

# Federal Register

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**Tuesday  
November 3, 1992**

**Book 1 of 3 Books**

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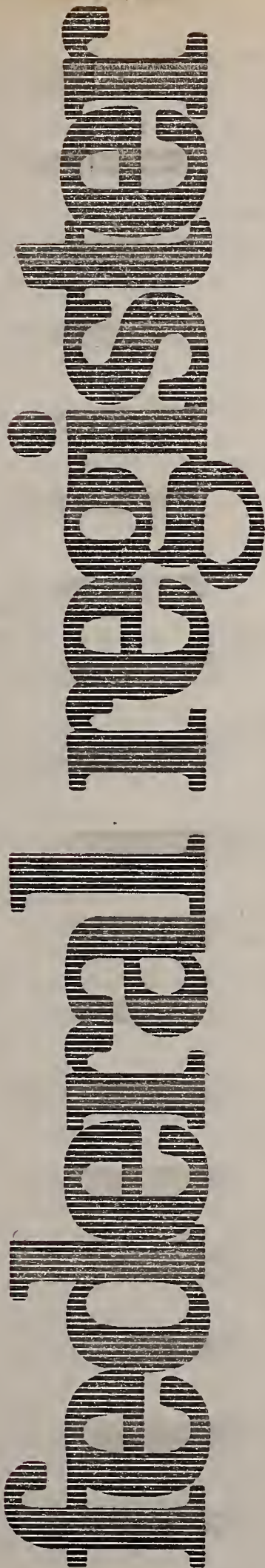
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Tuesday, November 3, 1992

Briefings on How To Use the Federal Register  
For information on briefings in Washington, DC, and  
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of this issue.





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 WHAT IT IS AND HOW TO USE IT**

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

**ALBUQUERQUE, NM**

**WHEN:** December 8, at 9:00 am  
**WHERE:** University of New Mexico  
 Continuing Education Bldg., Room 1  
 1634 University Blvd., NE  
 Albuquerque, NM  
**RESERVATIONS:** Julie Stone  
 505-768-3532

**WASHINGTON, DC**

**WHEN:** November 30, at 9:00 am  
**WHERE:** Office of the Federal Register  
 Seventh Floor Conference Room  
 800 North Capitol Street, NW, Washington, DC  
**RESERVATIONS:** 202-523-4534



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**Electronic Bulletin Board**

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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 AGRICULTURE

### Agricultural Stabilization and Conservation Service

#### 7 CFR Part 729

RIN 0560-AC89

### Commodity Credit Corporation

#### 7 CFR Part 1446

### Peanuts: Food, Agriculture, Conservation, and Trade Act Amendments of 1991; Implementation

**AGENCY:** Agricultural Stabilization and Conservation Service, and Commodity Credit Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** On June 18, 1992, an interim rule was published in the Federal Register (57 FR 27141), which set forth amendments to the regulations for peanuts with respect to: (1) The definition of "actual undermarketings" of quota peanuts; (2) the method for making required reductions in a farm's poundage quota; (3) the temporary transfer of a farm's poundage quota; (4) the "disaster transfer" of peanuts from an additional loan to a quota loan; (5) the conditions under which loan additional peanuts may be sold under the "immediate buyback" provisions; (6) the requirements for granting an extension of time to a handler to export or crush contract additional peanuts; and (7) the provisions that relate to the handling of appeals and requests for reconsideration. This final rule adopts the interim rule without change, except with respect to the "disaster transfer" of peanuts for pricing purposes from an additional loan pool to a quota loan pool. After consideration of the public comments, it was determined to permit a "disaster transfer" of peanuts from an additional loan to a quota loan under

the same conditions that were in effect before the amendment provided by the interim rule; i.e., poundage quota received in a "fall transfer" may be used to effect a "disaster transfer."

**EFFECTIVE DATE:** This final rule is effective November 3, 1992.

**FOR FURTHER INFORMATION CONTACT:** Jack S. Forlines, Deputy Director, Tobacco and Peanuts Division, ASCS, USDA, P.O. box 2415, Washington, DC 20013-2415, telephone 202-720-0156.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and has been classified not major because it does not meet any of the three criteria for a major rule identified under the Executive Order. This action will not have an annual effect on the economy of \$100 million or more, nor will it result in major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographical regions. Furthermore, it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program, as found in the Catalog of Federal Domestic Assistance, to which this final rule applies are: Commodity Loans and Purchases—10.051.

This final rule has been reviewed in accordance with Executive Order 12778. The provision of this final rule are not retroactive and preempt State and local laws to the extent such laws are inconsistent with provisions of this final rule. Before any judicial action may be brought regarding the provisions of this final rule, all administrative appeal remedies at 7 CFR part 780 must be exhausted.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service are not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This program/activity is not subject to the provisions of Executive Order 12372

which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

The information collection requirements contained in the regulations of 7 CFR parts 729 and 1446 for the poundage quota program and the price support program were approved by the Office of Management and Budget (OMB), as required by 44 U.S.C. chapter 35, and assigned OMB control numbers 0560-0006, 0560-0014, and 0560-0033. This final rule does not change the information requirements previously approved by OMB. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, room 404W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #050-0006), Washington, DC 20503.

### Background

On June 18, 1992, an interim rule was published in the Federal Register (57 FR 27141) seeking public comments on several issues relating to the peanut poundage quota and price support programs for the 1992 through 1995 crops of peanuts. This final rule implements regulations for each of those issues.

The comments received on the two parts in response to the interim rule are discussed separately as follows:

#### 1. Summary of Comments to Part 729

Twelve respondents commented on the issues relating to part 729 (the poundage quota regulations) that were addressed in the June 18, 1992, interim rule.

#### *Section 729.103—Actual Undermarketings*

Four comments were submitted concerning the determination of "actual undermarketings" of quota peanuts for a farm.

One respondent recommended that, in those cases in which the producer is required by a contract for additional peanuts to deliver a specific amount of additional peanuts and to the extent that such amount is produced on the farm, any peanuts delivered under the contract should not be considered as peanuts that "could have been marketed



as quota peanuts." This recommendation was not adopted because it would give undue preferential treatment to producers who market additional peanuts under a contract when compared with those producers who market additional peanuts as loan additional peanuts.

One respondent stated that for purposes of determining whether the quota for a farm had been undermarketed, the "total marketings of quota peanuts" from the farm should take into account only the actual marketings of quota peanuts. This recommendation was not adopted because, in a year of short supply, producers could increase their undermarketings by simply marketing peanuts as loan additional peanuts with high pool dividends. This would, at a minimum, adversely affect the producers who marketed all of their eligible peanuts as quota peanuts. It could also affect the marketing of quota peanuts in subsequent years.

One respondent supported the interim rule as published. Another respondent addressed the issue but without clearly making a specific recommendation.

Accordingly, the final rule adopts the provisions of the interim rule, for the 1992 through 1995 crops of peanuts, for defining the "actual undermarketings" of peanuts. This is essentially the same definition that has been in effect for recent years. In a year of short supply when additional peanuts virtually will be as valuable as quota peanuts, this definition will prevent producers from marketing peanuts as additional peanuts rather than as quota peanuts in order to increase the farm's undermarketings.

#### *Section 729.204—Quota Reduction for Nonproduction*

Two methods of making quota reductions for nonproduction were described in the interim rule, namely, a "factor method" and a "poundage method". Essentially, the "poundage" method for calculating the quota reduction for nonproduction in 2 of 3 years would make the reduction in an amount equal to the sum of the nonproduction for the 2 years of the 3 when the nonproduction was the least amount of nonproduced pounds. In the "factor" method, the average percentage of nonproduction in the 2 years having the greatest percentage of nonproduction of the 3 years would be used and would be applied against the current quota amount to determine the reduction for nonproduction. There were ten comments received with respect to quota reductions for nonproduction.

Four respondents supported using the "poundage method," as issued in the

interim rule, to reduce the farm's quota for nonproduction. One of these respondents stated that if the "factor method" was used, "too much quota" would be lost because of nonproduction.

Five respondents recommended that the "factor method" be used for making quota reductions only for the State of Texas. The Texas producers who support the "factor method" and would benefit from its implementation have indicated that the "special" Texas provisions in the statute were supported with the understanding that the same method of reducing quotas for nonproduction that were in effect for the 1986 through 1990 crops of peanuts would continue for the 1991 through 1995 crops of peanuts. However, changes from the 1985 peanut legislation to the 1990 peanut legislation relaxed the provisions for retaining a farm's peanut quota by: (1) Granting considered produced credit under certain conditions for leased quota; and (2) providing production credit on a farm from which quota is temporarily transferred by the owner or operator if the quota is produced on the receiving farm.

One respondent commented on the interim rule without clearly specifying support for the "poundage method" or the "factor method".

Section 358-1(b)(3) of the 1938 Act provides that:

Insofar as practicable and on such fair and equitable basis as the Secretary may by regulations prescribe, the farm poundage quota established for a farm for any of the 1991 through 1995 marketing years shall be reduced to the extent that the Secretary determines that the farm poundage quota established for the farm for any 2 of the 3 years preceding the marketing year for which the determination is being made was not produced, or considered produced, on the farm.

The "factor method" will result in a reduction in quota that may be substantially greater than the deficiency in production that resulted in the need to reduce the quota and there is no basis in the statute on this issue for prescribing a different result for Texas than for other growing areas. While there may not be a substantial difference in practice from the use of the two methods, in terms of the amount of farm quota available for distribution to other farms, the "poundage method" of quota reduction for nonproduction appears at this time to be more consistent with the policy and provisions of the Act which was amended in 1990 to make it less difficult for farms to retain their poundage quotas.

Accordingly, the final rule adopts, without change, the interim rule which adopted the "poundage method" of

quota reductions for the 1992 through 1995 crops of peanuts.

#### *Section 729.212—Transfer of Undermarketings*

A technical amendment to section 358b(a) of the 1938 Act enacted in Public Law 102-237 specified that undermarketings of peanut poundage quota could be transferred when poundage quotas are transferred between eligible farms. Section 729.212 of the interim rule implemented that new statutory provision. The amended § 729.212 also included a provision that would prohibit a fall transfer of poundage quota unless it is determined that the producers made a good faith effort to produce a normal crop of peanuts on the farm. Two respondents supported the provisions of the interim rule with respect to transfer of undermarketings. One respondent opposed the transfer of effective undermarketings. Because § 729.212 was amended primarily to implement statutory provisions and the revisions to the regulations appear to be fully consistent with the statutory amendments, the final rule adopts, without change, the provisions for the transfer of quota as provided in the interim rule.

#### **2. Summary of Comments to Part 1446**

Ninety-four respondents commented on the issues relating to part 1446 (the price support program) that were addressed in the June 18, 1992, interim rule.

#### *Section 1446.307—Disaster transfer of Segregation 2 or Segregation 3 peanuts from Additional Loan to Quota Loan.*

Nintey-two comments were submitted concerning, for peanuts placed for price support loans, the limitation of the amount of peanuts a producer is eligible to transfer from an additional loan pool to a quote loan pool. Under the interim rule, the amount of farm poundage quota eligible for such transfer excludes any amount of quota transferred to the farm through a fall transfer made pursuant to 7 CFR part 729.

Eighty peanut producers requested that this provision not be changed from provisions which applied to the 1991 crop. Also, two Chambers of Commerce, four peanut organizations, and five congressmen, requested that the provision be the same as for the 1991 crop. The comments suggested that it was inappropriate to convert the rule from the 1991-crop provisions because: (1) Such change would unduly restrict producers' marketing options, (2) existing regulations prohibit the transfer



of quota pounds subsequent to the date the producer markets lower quality peanuts, (3) under normal conditions, production will not exceed quota levels, (4) such change would impede the ability of peanut farmers to plant optimal amounts of acreage and deprive them of flexibility to exercise the fall transfer option when unexpected conditions arise, and (5) benefits are not likely to approach the problems that will be imposed on producers.

One farm bureau federation requested that the rule be adopted as published.

The comments supporting changing the disaster transfer provision were found to have merit. Accordingly, the disaster transfer provision is revised by this rule to remove the restrictions with respect to peanut poundage quota acquired through a "fall transfer."

*Section 1446.309—Immediate Buyback and Sale of Loan Peanuts to the Storing Handler*

Four comments were submitted concerning the restrictions on "immediate buyback" sales. The interim rule prohibits the "immediate buyback" purchase for domestic use of additional peanuts from the additional loan pool until all of the producer's contracts for additional peanuts have been satisfied, but allows peanuts of a type different than that contracted to be purchased from additional loan through an "immediate buyback" if the producer of the peanuts authorizes the "immediate buyback."

One peanut grower group and two regional sheller organizations submitted comments supporting the change in the immediate buyback provision which requires that a contract for a particular type of peanut must be satisfied before an "immediate buyback" may be used to purchase additional loan peanuts of the same type for domestic edible use. In addition, these respondents supported allowing eligibility for the buyback to be based upon type of peanut. One respondent supported allowing, with consent of both parties, contracted additional peanuts to be bought back by the producer who is a party to the contract for use as seed on the farm.

A peanut product manufacturers' group recommended the removal of any restrictions on buyback sales. The respondent requested that the buyback restriction be relaxed to allow handlers to purchase additional peanuts under the buyback provision without regard to whether or not the contract for additional peanuts has been completed. The respondent indicated that this would contribute to a smoother operating program and offer more varied marketing options.

After considering the comments, it was determined that a relaxing of the buyback restrictions provided in the interim rule with respect to undelivered contract additional peanuts could result in abuses to the program for contracting additional peanuts for export or crush by shorting contract deliveries in years of short supply. Accordingly, the "immediate buyback" provisions of the interim rule are adopted by this final rule.

*Section 1446.410—Extension of Final Disposition Date*

Three comments were submitted concerning the changes in the provisions of extension of the final disposition date. The interim rule removed the requirement that, as a condition of approval of an extension, a handler must provide in writing a reason why the original disposition date could not be met.

Two regional sheller groups and a national grower group supported the changes as published in the interim rule. Two peanut organizations requested a clarification with respect to whether the applicable association has discretionary authority in granting a requested extension of time to export contract additional peanuts. Although both organizations support the change, one requested an increased letter of credit when an extension is granted and another objected to association discretion. It was suggested that, in the phrase, "The final disposition date for an individual handler may be extended by the marketing association \* \* \*", the words "may" be changed to read "shall." One respondent expressed preference that the letter of credit for such handler be increased to 140 percent of the quota support rate times the pounds of peanuts, on a farmers stock basis, that the handler wished to extend, in order to protect CCC's financial risk should the peanuts not be exported.

In some cases the existing letter of credit that has been posted by a handler may expire before the date for which a letter of credit must be on file if the disposition date is extended. Therefore, the association must have the discretionary power to deny an extension if the letter of credit is not extended to cover the extension period. In addition, the provisions applicable to the initial letter of credit, and the amount by which the letter of credit may be reduced upon presentation of proof of export, has been determined to be adequate to protect CCC's interests. Accordingly, the suggestions applicable to the extension of the disposition date were not adopted and the provisions of

§ 1446.410(b) found in the interim rule are adopted by this final rule.

**List of Subjects in 7 CFR Part 1446**

Loan programs—Agriculture, Peanuts, Price support programs, Reporting and recordkeeping requirements, Warehouses.

**PART 729—PEANUTS**

Accordingly, the interim rule amending 7 CFR part 729 at 57 FR 27141 on June 18, 1992, is adopted as a final rule without change and the interim rule amending 7 CFR part 1446 that was published at 57 FR 27141 on June 18, 1992, is adopted as a final rule with the following change:

**PART 1446—PEANUTS**

1. The authority citation for part 1446 continues to read as follows:

Authority: 7 U.S.C. 1359a, 1375, 1421 *et seq.*; 15 U.S.C. 714b and 714c.

2. In § 1446.307, paragraph (b) is revised to read as follows:

**§ 1446.307 Disaster transfer of Segregation 2 or Segregation 3 peanuts from additional loan to quota loan.**

\* \* \* \* \*

(b) *Limitation of amount eligible for transfer.* A transfer made in accordance with this section may not exceed an amount of pounds equal to the effective farm poundage quota minus the sum of:

- (1) Peanuts retained on the farm for seed or other uses, and
- (2) Production of Segregation 1 peanuts on the farm.

\* \* \* \* \*

Signed at Washington, DC, on October 28, 1992.

John A. Stevenson,  
Acting Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 92-26615 Filed 10-29-92; 11:20 am]  
BILLING CODE 3410-05-M

**Agricultural Marketing Service**

**7 CFR Parts 1001, 1004, and 1124**

[Docket No. AO-14-A65-RO1 etc; DA-91-013]

**Milk in the New England, Middle Atlantic and Pacific Northwest Marketing Areas; Interim Amendment of Orders**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim amendment of rules.



**SUMMARY:** This action implements, on an interim basis, "modified yield factors" in the Class III-A formulas to price milk used to make nonfat dry milk under the New England, Middle Atlantic and Pacific Northwest milk orders. The adjustable factors, which will automatically reflect changes in market prices for butter and nonfat dry milk, replace the previously adopted fixed yield factors. More than the required number of producers in each of the aforesaid marketing areas have approved the issuance of the interim amendments.

**EFFECTIVE DATE:** November 3, 1992.

**FOR FURTHER INFORMATION CONTACT:** Clayton H. Plumb, Chief, Order Formulation Branch, USDA/AMS/Dairy Division, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-6274.

**SUPPLEMENTARY INFORMATION:** This administrative action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

**Interim Amendment of Orders—New England, Middle Atlantic and Pacific Northwest**

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The interim amendments will facilitate the orderly disposition of the reserve milk supplies associated with these three markets.

These amendments have been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the District Court

of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

#### *Prior Documents in this Proceeding*

##### Notice of Hearing

Issued July 16, 1991; published July 22, 1991 (56 FR 33395).

##### Tentative Decision

Issued December 10, 1991; published December 19, 1991 (56 FR 65801) and corrected December 23, 1991 (56 FR 66482).

##### Revised Tentative Decision

Issued December 24, 1991; published January 2, 1992 (57 FR 15).

##### Interim Amendment of Orders

Issued December 27, 1991; published January 3, 1992 (57 FR 173).

##### Notice of Reopened Hearing

Issued August 11, 1992; published August 14, 1992; (57 FR 36609).

##### Notice of Reopened Hearing

Issued September 22, 1992; published September 25, 1992 (57 FR 44344).

##### Revised Tentative Decision

Issued October 20, 1992; published October 27, 1992 (57 FR 48575).

#### *Findings and Determinations*

The findings and determinations hereinafter set forth supplement those that were made when the orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

##### (a) Findings on the Basis of the Hearing Record

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders as hereby amended on an interim basis, and all of

the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing areas; and the minimum prices specified in the orders as hereby amended on an interim basis, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders as hereby amended on an interim basis, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, marketing agreements upon which a hearing has been held.

##### (b) Additional Findings

It is necessary in the public interest to make these interim amendments to the New England, Middle Atlantic and Pacific Northwest orders effective upon publication of this document in the *Federal Register*. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the aforesaid marketing areas.

The interim amendments to these orders are known to handlers. The tentative decisions containing the proposed amendments to these orders were issued in December 1991 and October 1992.

The changes effected by these interim amendments will not require extensive preparation or substantial alteration in the method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making these order amendments effective upon publication in the *Federal Register*, and that it would be contrary to the public interest to delay the effective date of these amendments for 30 days after their publication in the *Federal Register*. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559.)

##### (c) Determinations

It is hereby determined that: (1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;



(2) The issuance of these interim amendments to each of the specified orders is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders; and

(3) The issuance of these interim amendments to each of the specified orders is approved by more than the required number of producers who during the determined representative period were engaged in the production of milk for sale in each of the respective marketing areas.

**List of Subjects in 7 CFR Parts 1001, 1004 and 1124**

Milk marketing orders.

**Order Relative to Handling**

*It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the New England, Middle Atlantic, and Pacific Northwest marketing areas shall be in conformity to and in compliance with the terms and conditions of the orders, as amended, and as hereby amended on an interim basis, as follows:

The authority citation for 7 CFR parts 1001, 1004, and 1124 continues to read as follows:

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

**PART 1001—MILK IN THE NEW ENGLAND MARKETING AREA**

Section 1001.50 is amended by revising paragraph (d) to read as follows:

**§ 1001.50 Class prices.**

(d) Class III-A price. The Class III-A price for the month shall be the average Central States Extra Grade nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent, and subject to the adjustments set forth in paragraph (c) of this section for the applicable month.

**PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA**

Section 1004.50 is amended by revising paragraph (g) to read as follows:

**§ 1004.50 Class and component prices.**

(g) Class III-A price. The Class III-A price for the month shall be the average

Central States Extra Grade nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential value per hundredweight of 3.5 percent milk and rounded to the nearest cent, and subject to the adjustments set forth in paragraph (c) of this section for the applicable month.

**PART 1124—MILK IN THE PACIFIC NORTHWEST MARKETING AREA**

Section 1124.50 is amended by revising paragraph (d) to read as follows:

**§ 1124.50 Class prices.**

(d) Class III-A price. The Class III-A price for the month shall be the average Grade Western A nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

Dated: October 29, 1992.

John E. Frydenlund,  
Deputy Assistant Secretary, Marketing and Inspection Services.  
[FR Doc. 92-26692 Filed 10-30-92; 8:45 am]  
BILLING CODE 3410-02-M

**Commodity Credit Corporation**

**7 CFR Parts 1421 and 1427**

RIN 0560-AC59

**Announcement Times of Upland Cotton and Rice Adjusted World Prices (AWPs); Valuation of Broken Kernel Rice in the AWP Calculation; and Clarification of Upland Cotton AWP Calculations**

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the regulations to: (1) Change the announcement time by the Commodity Credit Corporation (CCC) of the adjusted world price (AWP) for rice from 7 a.m. eastern time to 3 p.m. each Tuesday, (2) provide that CCC will not accept, on the day of the rice AWP announcement, from 2 p.m. eastern time until the price announcement is made, applications for rice loan deficiency payments that specify the payment rate, repayments of rice price-support loans

at the world market price unless such repayment price was previously locked-in, and applications for locking-in a rice price-support loan repayment rate, (3) allow the adjusted world market value of broken kernels, as used in the rice world price formula, to more accurately reflect its relationship to the world price of whole kernel rice in world markets. These actions are initiated in accordance with section 101(B)(a)(5)(B) of the Agricultural Act of 1949, as amended, to improve the effectiveness of the rice marketing loan and loan deficiency payment programs and to more accurately describe in the rice world price formula the method used for calculating the broken kernel world price.

This final rule also amends the regulations to: (1) Change the time of announcement by the CCC of the AWP and coarse count adjustment (CCA) for upland cotton from 4 p.m. to 5 p.m. eastern time each Thursday and to provide that the AWP and CCA will be effective at the time of announcement, (2) provide that CCC will not accept, beginning at 4 p.m. eastern time each Thursday until the AWP and CCA for the succeeding weekly period have been announced, repayments of cotton price support loans at a rate based on the AWP and applications for loan deficiency payments that specify the payment rate, (3) clarify the procedures with respect to the additional discretionary adjustment to the AWP and the calculation of the payment rates under the upland cotton user marketing certificate program during the period when both current shipment prices and forward shipment prices are available for growths quoted for Middling 1 $\frac{1}{2}$  inch cotton, cost, insurance and freight (C.I.F.) northern Europe. These actions are initiated in accordance with section 103B(a) and (b) of the Agricultural Act of 1949, as amended.

Implementation of the changes made by this final rule will improve the effectiveness of the price support programs for rice and upland cotton.

**EFFECTIVE DATE:** November 16, 1992.

**FOR FURTHER INFORMATION CONTACT:**

Janise Zygmunt (regarding cotton) or Gene S. Rosera (regarding rice), Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture (USDA), Fibers and Rice Analysis Division, room 3756-S, P.O. Box 2415, Washington, DC 20013-2415 or call 202-720-6734.

**SUPPLEMENTARY INFORMATION:** This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and



provisions of Departmental Regulation 1512-1 and has been classified as "nonmajor." It has been determined that the provisions of this final rule will not result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, State or local governments or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

It has been determined by Environmental Evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The titles and numbers of the Federal Assistance Programs, as found in the catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loans and Purchases—10.051 and Cotton Production Stabilization—10.052.

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of the final rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

The amendments to 7 CFR parts 1421 and 1427 set forth in this final rule will not result in any change in the public reporting burden. Therefore, the information collection requirements of the Paperwork Reduction Act are not applicable to this amendment.

A proposed rule was published in the Federal Register on July 22, 1992 (57 FR 32454). Each issue and the public comments received are discussed below.

#### Rice Adjusted World Price

Section 101B(a)(5)(B) of the Agricultural Act of 1949 provides that the Secretary of Agriculture shall prescribe by regulation a formula to

define the prevailing world market price for rice and a mechanism by which the Secretary shall announce periodically the prevailing world market price for rice.

Under the present rule, the adjusted world price for rice shall be announced, to the extent practicable, on or after 7 a.m. eastern time each Tuesday. The announced price is effective at 12:00:01 a.m. of the announcement day. Based on rice-industry requests, CCC proposed to change this announcement time to on or after 3 p.m. eastern time each Tuesday. The world price announced at the proposed time, for the purpose of repaying price support loans or calculating loan deficiency payment rates, would be effective upon announcement.

Under the proposed announcement time, CCC would not accept on the day of the AWP announcement rice loan repayments or accept applications for loan deficiency payments or lock-ins of rates beginning at 2 p.m. eastern time until the announcement of the AWP for the succeeding weekly period has been made. This one-hour period would provide producers and ASCS staff a time interval between potentially different AWP levels for the purpose of reducing confusion over which AWP level applies to any individual loan repayment or loan deficiency payment calculation.

Twenty-four comments were received regarding the announcement time of the AWP of rice. Four comments favoring changing the announcement time to 3 p.m. were received from two national producer organizations, one national milling organization, and one individual business. The 3 p.m. time is favored since businesses had previously organized their activities around it and because all U.S. businesses are open at such time. Twenty comments were received from 7 State or local organizations, 5 individuals, and 8 businesses favoring the 7 a.m. announcement time for the reason that the proposed afternoon time disrupts purchasing or loan repayment activities on the announcement day. The current morning announcement time does not interrupt the conduct of business.

After considering the comments received, CCC has determined that the announcement time shall be established at 3 p.m. each Tuesday. The comments received indicate that producers and agribusinesses generally view the 3 p.m. time as more favorable to the conduct of their business operations. To minimize confusion as to which AWP level applies to any individual loan repayment or loan deficiency payment calculation, CCC will not accept, on the

day of the rice AWP announcement from 2 p.m. eastern time until the time of the AWP announcement, rice price-support loan repayments based on the AWP unless such repayment rate was previously locked-in, applications for loan deficiency payments that specify the payment rate, or applications for locking-in a rice price-support loan repayment rate.

#### Valuation of Broken Kernel Rice in the World Rice Price Calculation

CCC proposed to amend current regulations to establish the AWP for broken kernel rice based on the relationship of whole and broken kernel world prices as determined by world price observations. The proposal was made because the present rule is inconsistent in expressing how the market value of broken kernel rice is to be determined. Various sections of the world price formula provide that the market value of broken kernels shall be based upon the estimated domestic market values of all sizes of broken kernels. However, since the inception of the rice marketing loan program, the AWP for broken kernel rice used under these sections has been one-half the whole kernel AWP since this value relationship has been consistent with the relative values of whole and broken kernels under the CCC price support program, domestic and export market values, and the provisions at § 1421.25(a)(5)(ii). Such broken kernel value, however, has been inconsistent with actual domestic-market prices of broken kernel rice.

Five comments were received regarding the proposed valuation of broken kernels in the rice world-price formula. All five comments favored implementing the proposed language to value broken kernels based on their price relationship to whole kernels as determined from world market price observations. The comments were received from three national organizations, one State-level producer organization, and one business.

After considering the comments received, CCC has determined that the proposed changes to § 1421.25 shall be made to provide that the AWP for broken rice shall be established based on its relationship to the AWP for whole kernel rice in world markets.

#### Upland Cotton Adjusted World Price

CCC proposed to change the announcement time of the AWP and CCA to 5 p.m. eastern time each Thursday and make the AWP and CCA effective upon announcement. The proposal further stipulated that, if the



AWP for the current week is less than the current crop-year loan level for the base quality of upland cotton plus estimated carrying charges, then (1) loan repayments at a rate based on the AWP would not be accepted beginning at 4 p.m. eastern time each Thursday until an announcement of the AWP and CCA for the succeeding weekly period was made, and (2) applications for loan deficiency payments would not be accepted during the same period.

This option was one of four outlined in the proposed rule and was intended to correct a situation whereby the industry knows the AWP for the subsequent week while the current week's AWP is still in effect.

Nine comments were received regarding the proposed rule. Respondents included three national organizations, one State organization, 4 producer co-operatives and one cotton merchant. One respondent opposed all changes. Four respondents opposed any change from the current procedure, indicating, however, that the proposed option would be the least burdensome, the only option they could live with, the least problematic and the least disruptive of the options presented. Two respondents supported this option.

Another respondent supported changing the AWP and CCA announcement and effectiveness times but took no position regarding suspension of loan and loan deficiency payment transactions during the hour preceding the announcement. Another respondent supported the option conditional upon CCC making administrative changes to ensure that producers with Form A and Form G loans are treated equally.

After considering the comments received and in accordance with the provisions of the 1949 Act, CCC has determined that (1) the announcement time of the AWP and CCA for upland cotton shall be established at 5 p.m. eastern time each Thursday and that the AWP and CCA will be effective at the time of the announcement, (2) CCC will not accept, beginning at 4 p.m. eastern time each Thursday until the AWP and CCA for the succeeding weekly period have been announced, repayments of cotton price support loans at a rate based on the AWP and applications for loan deficiency payments that specify the payment rate. Section 1427.25(e) will be amended to change the time of announcement of the AWP and CCA to 5 p.m. eastern time each Thursday and to provide that the AWP and CCA will be effective upon announcement. Section 1427.19 will be amended to provide that CCC will not accept repayment of price-support loans at a

rate based on the AWP from 4 p.m. eastern time each Thursday until the AWP and CCA for the succeeding weekly period have been announced. Section 1427.23 will be amended to provide that CCC will not accept applications for loan deficiency payments from 4 p.m. eastern time each Thursday until the AWP and CCA for the succeeding weekly period have been announced.

#### Upland Cotton Technical Changes

CCC proposed to clarify the determination of the additional discretionary AWP adjustment under § 1427.25(c)(4) because the final rule published in the *Federal Register* on August 23, 1991, (56 FR 41749) did not specify how the U.S. Northern Europe price would be determined during the period when both current shipment prices and forward shipment prices are available. CCC also proposed to clarify how the payment rates under the upland cotton user marketing certificate program would be determined during the period when both current shipment prices and forward shipment prices are available because the final rule published in the *Federal Register* on April 20, 1992, (57 FR 14326) was not specific about this issue.

Two comments were received with respect to these issues. Both respondents supported the proposed regulatory amendments. After considering the comments received, the proposed changes to §§ 1427.25(c) and 1427.107 will be implemented. However, with regard to § 1427.107, CCC discovered after publication of the proposed rule on July 22, 1992, that the proposed language was inaccurate. Therefore, although the final language amending § 1427.107 differs from that which appeared in the proposal, the intent and effect have not changed.

#### List of Subjects

##### 7 CFR Part 1421

Grains, Loan programs/agriculture, Oilseeds, Peanuts, Price support programs, Reporting and recordkeeping requirements, Warehouses.

##### 7 CFR Part 1427

Cotton, Loan programs (agriculture), Marketing certificate programs, Price support programs, Warehouses.

Accordingly, 7 CFR parts 1421 and 1427 are amended as follows:

#### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1. The authority citation for 7 CFR part 1421 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1425, 1441z, 1444f-1, 1445b-3a, 1445c-3, 1445e, and 1446f; 15 U.S.C. 714b and 714c.

2. In § 1421.25, paragraphs (a)(5)(ii), (a)(5)(v)(A)(2), (a)(5)(vi), (a)(6), and (a)(7) are revised to read as follows:

#### § 1421.25 Market price repayments.

(a) \* \* \*

(5) \* \* \*

(ii) The price determined in accordance with paragraph (a)(5)(i) of this section shall be adjusted to reflect the market value of the total quantity of whole kernels contained in such milled rice by deducting the world value of broken kernels contained therein, with such value of the broken kernels to be determined by multiplying the quantity of such broken kernels (4% per hundredweight) by the world market value of such broken kernels. The world market value of broken kernels shall be based upon the relationship of whole and broken kernel world prices as estimated from observations of prices at which rice is being sold in world markets.

\* \* \* \* \*

(v) \* \* \*

(A) \* \* \*

(2) The market value of broken kernels contained in the rough rice, computed by multiplying the estimated world market value of broken kernels by the estimated national average quantity of broken kernels produced in milling 100 pounds of rice;

\* \* \* \* \*

(vi) The price determined in accordance with paragraph (a)(5)(v) of this section may be adjusted to a whole kernel loan rate basis by deducting the estimated world market value of the total quantity of broken kernels contained in such rice and dividing the resulting value by the estimated national average quantity of milled whole kernels produced in milling 100 pounds of rice.

(6) The adjusted world price for each class for rice, loan rate basis, shall be determined by CCC and shall be announced, to the extent practicable, on or after 3 p.m. eastern time each Tuesday continuing through the last Tuesday of July 1996, but may be announced more frequently, as determined by CCC. In the event that Tuesday is a nonworkday, the determination will be made on the next workday, on or after 3 p.m. eastern time. The announced prices will be effective upon announcement and will remain in effect for a period as announced by CCC.

(7) Notwithstanding any other provision of this section, on the day of



the announcement of the adjusted world price, between 2 p.m. eastern time and the time of the world price announcement, CCC will not accept repayments of rice price-support loans at a world market price level not previously locked-in, and applications for lock-in of a rice price-support loan repayment rate.

3. In § 1421.29, paragraph (c) is revised and paragraph (g) is added to read as follows:

**§ 1421.29 Loan deficiency payments.**

(c) The loan deficiency payment rate for a crop shall be the amount by which the price support loan level for the crop exceeds the level at which CCC has announced that producers may repay their price support loans in accordance with § 1421.25. Such rate shall be the amount determined on the day the producer provides a complete request for a loan deficiency payment to the county office. When such request provides that the loan deficiency payment rate shall be based on the date of delivery, and the documentation of delivery indicates the rice was delivered after 3 p.m. eastern time, the loan deficiency payment rate in effect after 3 p.m. eastern time of the delivery date shall be used. In all other cases where the loan deficiency payment rate is based on the delivery date, the payment rate in effect at 12:00:01 a.m. eastern time of the delivery date shall be used.

(g) Notwithstanding any other provision of this section, on the day of the announcement of the adjusted world price, applications for loan deficiency payments that specify the payment rate will not be accepted between 2 p.m. eastern time and the time of the world price announcement.

**PART 1427—COTTON**

4. The authority citation for 7 CFR part 1427 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1425, 1444, and 1444-2; 15 U.S.C. 714b and 714c.

5. Section 1427.19 is amended by adding a new paragraph (h) to read as follows:

**§ 1427.19 Repayment of price support loans.**

(h) Notwithstanding any other provision of this section, CCC will not accept repayment of upland cotton price-support loans at a rate based on the adjusted world price beginning at 4 p.m. eastern time each Thursday until an announcement of the adjusted world

price for the succeeding weekly period has been made in accordance with § 1427.25(e). In the event that Thursday is a nonworkday, such loan repayments will not be accepted beginning at 7 a.m. eastern time the next workday until an announcement of the adjusted world price for the succeeding weekly period has been made in accordance with § 1427.25(e).

6. Section 1427.23 is amended by adding a new paragraph (h) to read as follows:

**§ 1427.23 Cotton loan deficiency payments.**

(h) Notwithstanding any other provision of this section, CCC will not accept applications for loan deficiency payments that specify the payment rate beginning at 4 p.m. eastern time each Thursday until an announcement of the adjusted world price for the succeeding weekly period has been made in accordance with § 1427.25(e). In the event that Thursday is a nonworkday, such applications for loan deficiency payments will not be accepted beginning at 7 a.m. eastern time the next workday until an announcement of the adjusted world price for the succeeding weekly period has been made in accordance with § 1427.25(e).

7. Section 1427.25 is amended by revising paragraphs (c)(4) and (e) to read as follows:

**§ 1427.25 Determination of the prevailing world market price and the adjusted world price for upland cotton.**

(c) \* \* \*  
(4)(i) The prevailing world market price, as adjusted in accordance with paragraphs (c)(1) through (c)(3) of this section may be further adjusted if it is determined that:

(A) Such price is less than 115 percent of the current crop-year loan level for U.S. base quality cotton, and

(B) The Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for M 1 $\frac{3}{32}$  inch cotton C.I.F. northern Europe (U.S. Northern Europe price) is greater than the average of the quotations for the preceding Friday through Thursday for the five lowest-priced growths of the growths quoted for M 1 $\frac{3}{32}$  inch cotton C.I.F. northern Europe.

(ii) During the period when both current shipment prices and forward shipment prices are available for growths quoted for M 1 $\frac{3}{32}$  inch cotton C.I.F. northern Europe, the U.S. Northern Europe price provided in paragraph (c)(4)(i)(B) of this section shall be

determined as follows: Beginning with the week covering the period Friday through Thursday which includes April 15 or, if both the average of the current shipment prices for the preceding Friday through Thursday of the lowest-priced United States growth as quoted for M 1 $\frac{3}{32}$  inch cotton C.I.F. northern Europe (U.S. Northern Europe current price) and the average of the forward shipment prices for the preceding Friday through Thursday of the lowest-priced United States growth quoted for M 1 $\frac{3}{32}$  inch cotton C.I.F. northern Europe (U.S. Northern Europe forward price) are not available during that period, beginning with the first week covering the period Friday through Thursday after the week which includes April 15 in which both the average of the U.S. Northern Europe current price and the average of the U.S. Northern Europe forward price are available, the result calculated by the following procedure:

(A) Weeks 1 and 2: (2×U.S. Northern Europe current price) + (U.S. Northern Europe forward price) / 3.

(B) Weeks 3 and 4: (U.S. Northern Europe current price) + (U.S. Northern Europe forward price) / 2.

(C) Weeks 5 and 6: (U.S. Northern Europe current price) + (2×U.S. Northern Europe forward price) / 3.

(D) Week 7 through July 31: U.S. Northern Europe forward price.

(iii) In determining the U.S. Northern Europe price as provided in paragraphs (c)(4)(i)(B) and (c)(4)(ii) of this section:

(A) If quotes for either the U.S. Memphis territory or the California/Arizona territory are not available for any week, the available quotations will be used.

(B) If quotes are not available for one or more days in the 5-day period, the available quotes during the period will be used.

(C) If no quotes are available for either the U.S. Memphis territory or the California/Arizona territory during the Friday through Thursday period, no adjustment will be made.

(iv)(A) The adjustment shall be based on some or all of the following data, as available:

(1) The U.S. share of world exports;  
(2) The current level of cotton export sales and shipments; and  
(3) Other data determined by CCC to be relevant in establishing an accurate prevailing world market price, adjusted to United States quality and location.

(B) The adjustment may not exceed the difference between the U.S. Northern Europe price, as determined in paragraphs (c)(4)(i) through (c)(4)(iii) of this section, and the Northern Europe



price, as determined in paragraph (a) of this section.

(e) The adjusted world price for upland cotton as determined in accordance with paragraph (c) of this section, and the amount of the additional adjustment as determined in accordance with paragraph (f) of this section, shall be announced, to the extent practicable, at 5 p.m., eastern time each Thursday continuing through the last Thursday of July 1996. In the event that Thursday is a nonworkday, the determination will be announced, to the extent practicable, at 8 a.m., eastern time the next workday. The adjusted world price and the amount of the additional adjustment will be effective upon announcement and will remain in effect for a period as announced by CCC.

8. Section 1427.107 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 1427.107 Payment rate.**

(a) The payment rate for the purposes of calculating payments made available in accordance with this subpart shall be determined by CCC as follows:

(1) For domestic users—

(i) For bales opened between August 1 of the calendar year and the week prior to the week in which the Northern Europe current price and the Northern Europe forward price first become available, the payment rate shall be the difference between the U.S. Northern Europe price minus 1.25 cents per pound, and the Northern Europe price in the fourth week of a consecutive 4-week period in which the U.S. Northern Europe price exceeded the Northern Europe price each week by more than 1.25 cents per pound, and the adjusted world price, determined in accordance with § 1427.25 (hereinafter referred to as the "AWP"), did not exceed the current crop-year loan level for the base quality of upland cotton by more than 130 percent in any week of the 4-week period.

(ii) For bales opened between the week the Northern Europe current price and the Northern Europe forward price first become available and July 31, the payment rate shall be the difference between the U.S. Northern Europe current price minus 1.25 cents per pound, and the Northern Europe current price in the fourth week of a consecutive 4-week period in which the U.S. Northern Europe current price exceeded the Northern Europe current price each week by more than 1.25 cents per pound, and the AWP did not exceed the current

crop-year loan level for the base quality of upland cotton by more than 130 percent in any week of the 4-week period.

(iii) For bales opened before August 30, 1991, the payment rate shall be zero.

(2) For exporters—

(i) For contracts entered into during the period between August 1 and the week before the week in which the Northern Europe current price and the Northern Europe forward price first become available which specify shipment of the cotton by not later than September 30 following such contract period, the payment rate shall be the difference between the U.S. Northern Europe price minus 1.25 cents per pound, and the Northern Europe price in the fourth week of a consecutive 4-week period in which the U.S. Northern Europe price exceeded the Northern Europe price each week by more than 1.25 cents per pound, and the AWP did not exceed the current crop-year loan level for the base quality of upland cotton by more than 130 percent in any week of the 4-week period.

(ii) For contracts entered into during the period between August 1 and the week in which the Northern Europe current price and the Northern Europe forward price have been available for 4 weeks which specify shipment of the cotton after September 30 following such contract period, the payment rate shall be zero.

(iii) For contracts entered into during the period between the week the Northern Europe current price and the Northern Europe forward price first become available and July 31 which specify shipment of the cotton by not later than September 30 of such year, the payment rate shall be the difference between the U.S. Northern Europe current price minus 1.25 cents per pound and the Northern Europe current price in the fourth week of a consecutive 4-week period in which the U.S. Northern Europe current price exceeded the Northern Europe current price each week by more than 1.25 cents per pound, and the AWP did not exceed the current crop-year loan level for the base quality of upland cotton by more than 130 percent in any week of the 4-week period.

(iv) For contracts entered into during the period between the week after both the Northern Europe current price and the Northern Europe forward price have been available for four weeks and July 31 which specify shipment of the cotton after September 30 of such year, the payment rate shall be the difference between the U.S. Northern Europe forward price minus 1.25 cents per pound, and the Northern Europe forward

price in the fourth week of a consecutive 4-week period in which the U.S. Northern Europe forward price exceeded the Northern Europe forward price each week by more than 1.25 cents per pound, and the AWP did not exceed the forward crop-year loan level for the base quality of upland cotton by more than 130 percent in any week of the 4-week period.

(v) For contracts entered into before August 30, 1991, the payment rate shall be zero.

(b) Notwithstanding the provisions of paragraph (a) of this section, no payment rate shall be established in a week following a consecutive 10-week period in which the U.S. Northern Europe price, adjusted for the value of any certificate or cash payment issued in accordance with paragraph (a) of this section, exceeds the Northern Europe price by more than 1.25 cents per pound.

Signed at Washington, DC, on October 28, 1992.

John A. Stevenson,

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 92-28614 Filed 11-2-92; 8:45 am]

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**DEPARTMENT OF THE TREASURY**

**Office of the Comptroller of the Currency**

**12 CFR Part 5**

[Docket No. 92-23]

**Rules, Policies and Procedures for Corporate Activities: Merger, Consolidation, Purchase and Assumption**

**AGENCY:** Comptroller of the Currency, Treasury.

**ACTION:** Interim rule with request for comment.

**SUMMARY:** This action establishes procedures for national banks to follow in undertaking mergers or consolidations with Federal savings associations. This action is necessitated by the adoption of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) which authorized such transactions but did not establish procedures. The procedures adopted, to the extent possible, apply to such transactions the statutory procedures governing mergers and consolidations between national banks and state chartered financial institutions.



**DATES:** This interim rule is effective November 3, 1992. Comments must be submitted on or before January 4, 1993.

**ADDRESSES:** Comments should be directed to: Communications Division, 9th Floor, 250 E St. SW., Washington, DC 20219. Attention: Docket no. 92-23. Comments will be available for photocopying and public inspection at the same location.

**FOR FURTHER INFORMATION CONTACT:** Jerome Edelstein, Senior Counsel, Corporate Organization and Resolutions Division, (202) 874-5300; Nancy Cody, National Bank Examiner/Senior Analyst, Bank Organization and Structure, (202) 874-5060.

**SUPPLEMENTARY INFORMATION:**

**Background**

As amended by sections 501(a) and 502(b) of title V of the FDICIA, the National Bank Act, at 12 U.S.C. 215c, and the Federal Deposit Insurance Act (FDI Act), at 12 U.S.C. 1815(d)(3), authorize national banks, subject to certain limitations, to acquire or be acquired by savings associations. Acquisitions, within the meaning of title V, include mergers and consolidations in addition to purchase and assumption transactions. Consequently, national banks for the first time clearly are authorized to merge or consolidate with Federal savings associations if the transaction meets the requirements set forth in title V. The resulting institution may be either the national bank or the Federal savings association.

This authority to merge or consolidate with a Federal savings association supplements the long-established authority of national banks to engage in purchase and assumption transactions with Federal and state-chartered depository institutions, including savings associations, and to merge or consolidate with other national banks and with state-chartered banking institutions, including savings associations engaged in the business of receiving deposits, as defined in 12 U.S.C. 215b(1). See 12 U.S.C. 214(a), 214a, 215, and 215a.<sup>1</sup>

While those statutes, in the context of consolidations and mergers, provide specific procedures, addressing such things as shareholder approval and dissenters' rights, for national banks to follow in engaging in such transactions, the FDICIA did not address such matters.

<sup>1</sup> Mergers, consolidations and purchase and assumption transactions between national banks and savings associations, however, may in the past have been precluded due to issues pertaining to insurance of deposits.

Thus, significant uncertainty exists with regard to the appropriate approach that national banks seeking to engage in mergers or consolidations with Federal savings associations should follow. Consequently, the Office is amending 12 CFR 5.33, governing merger, consolidation and purchase and assumption transactions by national banks, to include, to the extent appropriate, the procedures set forth by statute with respect to mergers and consolidations between national banks and with state-chartered banking institutions to mergers and consolidations between national banks and Federal savings associations as authorized by the FDICIA.

In adopting this regulation, the Office has used the statutory language of section 214a, 215 and 215a to the extent possible in order to assure maximum uniformity between the procedures required by the statutes and this regulation. As a result, the OCC intends to interpret the language of this regulation consistent with interpretations that it has applied with respect to the statutory language from which it is derived.<sup>2</sup>

In addition, the regulation also clarifies the authority of national banks to retain nonconforming assets following such a transaction but only for purposes of prompt divestiture. For purposes of clarity, the regulation also includes cross-references to sections 214a, 215 and 215a with respect to the application of the procedures set forth therein to mergers and consolidations between national banks and state-chartered entities.

The following discusses the specific regulatory provisions temporarily adopted by the OCC.

**Discussion**

Paragraph (a) of § 5.33, which sets forth the authority pursuant to which national banks may engage in various forms of combinations, is revised to

<sup>2</sup> The establishment of procedures for mergers and consolidations of national banks with Federal thrifts that parallel procedures for mergers and consolidations between national banks and state-chartered entities extends only to the procedures and requirements set forth in sections 214a, 215 and 215a. This regulation does not purport to extend procedures established by other statutes with respect to certain mergers, consolidations, and purchase and assumption transactions to all such transactions involving national banks. Thus, while title V of the FDICIA imposes deadlines on the OCC for processing mergers, consolidations and purchase and assumption transactions, undertaken pursuant to 12 U.S.C. 1815(d)(3), between national banks and Federal and state savings associations, nothing in this regulation purports to apply such deadlines to mergers, consolidations, and purchase and assumption transactions not undertaken under that section.

include 12 U.S.C. 215c and 1815(d)(3), as adopted in the FDICIA, which provide additional bases of authority for national banks to engage in merger, consolidation and purchase and assumption transactions with other types of depository institutions. In addition, 12 U.S.C. 24(7th) is specifically included in the authority citation because it also may provide the basis for authority for national banks to engage in purchase and assumption transactions with other insured depository institutions.

Paragraph (b)(1) of § 5.33 is revised to clarify that the procedures and policies set forth in the section are applicable to all forms of combinations between national banks and other depository institutions, including banks and savings associations, unless the language of the section provides otherwise. In this regard, where appropriate, the OCC is replacing the word "bank" or "banks" in § 5.33 with the term "depository institution" or "depository institutions."

Paragraph (b)(6)(ii) of § 5.33 is revised to provide that all depository institutions proposing to be involved in a transaction covered by this section are required to file with the OCC proxy material or information statements in conformance with subpart E of 12 CFR part 11. This provision, as currently codified, only applies to banks involved in such transactions.

Paragraph (b)(7), pertaining to the title of the national bank that will survive or be created as a result of the combination, is amended to clarify that the policy for title changes as set forth in 12 CFR 5.42 is applicable where the title of such bank is not the same as any of the national banks involved in the transaction.

A new paragraph (b)(8) is added to clarify the OCC's existing practice of permitting a national bank that results from a merger, consolidation or purchase and assumption transaction to retain any nonconforming assets that it acquired in the transaction but only for purposes of prompt divestiture and subject to any conditions imposed by the OCC and subject to the determination by the OCC of the value of the asset. This provision is similar to a provision in 12 U.S.C. 35 governing retention of assets by national banks created through the conversion of another type of institution.

Paragraph (c) applies, as appropriate, the requirements set forth in 12 U.S.C. 215 and 215a (which govern, respectively, consolidations and mergers by national banks with other national banks and state-chartered entities resulting in an institution with a



national bank charter) to consolidations and mergers between national banks and Federal savings associations under the charter of a national bank.

Differences between procedures set forth in the regulation herein adopted and the procedures set forth in sections 215 and 215a are:

—The proportion of shareholders of a Federal savings association needed to approve a merger or consolidation between the Federal savings association and a national bank is to be determined by Federal law governing Federal savings associations rather than state law or the requirements of this regulation. See 12 CFR 552.13.

—Notice to shareholders of the Federal savings association involved in a merger or consolidation with a national bank is to be determined by Federal law governing Federal savings associations rather than by state law or the requirements of this regulation. See 12 CFR 552.13 and 563.22.

—The appraisal of dissenters' shares in a Federal savings association will be determined in the manner prescribed by Federal law governing Federal savings associations rather than pursuant to state law or the method set forth in the regulation. See 12 CFR 552.14.

—The Office will undertake an appraisal or reappraisal of the value of shares of dissenting shareholders of a national bank involved in a consolidation<sup>3</sup> with a Federal savings association only if all parties agree that such appraisal or reappraisal will be final and binding. 12 U.S.C. 215, governing consolidations between national banks and state-chartered depository institutions, provides that the OCC's appraisals are final and binding. Because it is questionable whether the Office could impose this result through a regulation, it is appropriate to require the parties to agree that such appraisal will be final and binding as a prerequisite for an appraisal to be undertaken by the Office. Of course, if the parties decline

to enter into such an agreement, they could attempt to resolve any dispute about the valuation of the shares through other means.

—The regulation provides that a Federal savings association that is being acquired by a national bank must relinquish its charter in accordance with the requirements of the Office of Thrift Supervision.

—The term "receiving association" is used to refer to the surviving national bank in the event of a merger between a national bank and a Federal savings association; the term "resulting association" is used to refer to the entity which is created as a result of a consolidation between a national bank and a Federal savings association.

In addition, certain changes have been made in the language of sections 215 and 215a, in incorporating those provisions into the regulation, to clarify, in accordance with OCC interpretations, ambiguities in the statutory language. In this regard:

—Language in section 215(a) and 215(a)(2) is ambiguous with respect to whether publication of notice of shareholders meetings to vote on mergers or consolidations may be waived by the OCC in the event of an emergency only where there is unanimous approval of the waiver by the shareholders. This language is clarified in the regulation, in accordance with OCC interpretations, to permit a waiver either upon unanimous action of the shareholders or upon a determination by the OCC of an emergency.

—Language in sections 215(b) and 215a(b) creates ambiguity as to whether the shareholder vote to approve a merger or consolidation must precede approval by the OCC. OCC interpretations have taken the position that the shareholder vote need not precede OCC approval. Consequently, the regulatory language alters the statutory language to more clearly reflect the OCC interpretation.

Paragraph (f) is revised to clarify that that cost of examinations of any Federal savings association, as well as any state-chartered depository institution, which is proposing to engage in a merger transaction with a national bank shall be charged to the applicants in addition to the filing fees established pursuant to § 5.5.

Paragraph (h) sets forth procedures governing mergers and consolidations involving national banks where the resulting entity will not be a national bank. It encompasses situations where the resulting entity will be a Federal

savings association and, for purposes of clarity and consistency, situations where the resulting entity will be state-chartered.

Paragraph (h)(1) provides that the Office has no approval authority over such transactions and that termination of the national bank charter is automatic following compliance with statutory and regulatory requirements and consummation of the transaction. The paragraph applies to all permissible mergers and consolidations of a national bank into an entity operating under a different type of charter such as a state bank or savings association charter or a Federal savings association charter.

Paragraph (h)(2) provides only that a national bank seeking to engage in a transaction described in subparagraph (1) shall so notify the appropriate OCC district office at the time that the application to merge or consolidate is filed, as appropriate, with the Federal Reserve Board, Federal Deposit Insurance Corporation or the Office of Thrift Supervision.

Paragraph (h)(3) provides procedures applicable to mergers and consolidations between national banks and Federal savings associations under the charter of the Federal savings association. These procedures parallel, to the extent appropriate, the procedures set forth in 12 U.S.C. 214a governing mergers and consolidations between national banks and state chartered entities under a state charter.

Differences in procedures between this subparagraph (3) and section 214a are:

—For the reasons set forth above, the Office will undertake an appraisal or reappraisal of the value of shares of dissenting stockholders of the national bank only if all parties agree that such determination will be final and binding.

—Because it may be questionable whether the Office has the authority to impose on the resulting Federal savings association the obligation to pay for the cost of any appraisal or reappraisal of the value of dissenters' shares, the provision requires the parties to reach their own agreement with respect to full payment of the costs of the Office in undertaking the appraisal or reappraisal. Absent such an agreement, the Office will decline to undertake the appraisal or reappraisal.

—The regulation provides that the disposition of the shares of the resulting Federal savings association not taken by the dissenting shareholders must be undertaken in accordance with the requirements of the Office of Thrift Supervision.

<sup>3</sup> It should be noted that the provisions of section 215a, governing dissenters' rights in the context of a merger, are not incorporated into this rule because section 215a only grants such rights to shareholders of any entity "to be merged into the receiving association." Because paragraph (c) of this regulation only applies where the receiving association will be the national bank involved in the merger with a Federal savings association and because the rights of dissenting shareholders of such Federal savings association, as discussed, will not be determined in accordance with this regulation, there appears to be no need to include in the regulation provisions pertaining to dissenters' rights in the context of a merger of a Federal thrift into a national bank.



Because mergers and consolidations between national banks and Federal savings associations are currently authorized, the OCC finds that publication for comment prior to adoption and a delay in implementation are impracticable and contrary to the public interest. Thus, pursuant to the Administrative Procedure Act, 5 U.S.C. 553 (b)(3)(B) and (d)(3), this regulation is being adopted immediately on an emergency, temporary basis. Nevertheless, public comments are being solicited and will be considered by the OCC prior to finalization of a rule addressing these issues.

#### Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The basis for this determination is that the purpose of the regulation is to clarify the procedures for all national banks, regardless of size, to enter into mergers and consolidations with Federal savings associations as authorized by the FDICIA. This will eliminate a source of confusion and uncertainty created by that statute by leaving such issues unaddressed.

#### Executive Order 12291

The OCC has determined that this document is not a major regulation as defined in Executive Order 12291 and a regulatory impact analysis is not required. Overall, the OCC expects the changes to facilitate new types of mergers and consolidations authorized by the FDICIA by clarifying the procedures to be followed and the rights of shareholders of national banks who dissent from such transactions.

#### List of Subjects in 12 CFR Part 5

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements. Securities.

#### Authority and Issuance

For the reasons set out in the preamble, part 5 of chapter I of title 12 of the Code of Federal Regulations is hereby amended as set forth below:

#### PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

1. The authority citation for part 5 continues to read as follows:

Authority: 12 U.S.C. 1, *et seq.*; 12 U.S.C. 93a.

#### § 5.33 [Amended]

2. In § 5.33(b)(2) (iii) and (iv) and (b)(6)(ii), the term "banks" is replaced by the term "depository institutions".

3. In § 5.33(b)(5) (i) and (iii) and (b)(6)(ii), the term "bank" is replaced by the term "depository institution" each place it appears.

4. In § 5.33(b)(7), the term "banks" is replaced by the term "national banks".

5. In § 5.33, new paragraphs (b)(8) and (h) are added and paragraphs (a), (b)(1), (c) and (f) are revised to read as follows:

#### § 5.33 Merger, consolidation, purchase and assumption.

(a) *Authority.* 12 U.S.C. 1 *et seq.*, 24(7), 93a, 181, 214a, 215, 215a, 215c, 1815(d)(3), and 1828(c).

(b) *Policy—(1) General.* It is the policy of the Office to preserve the soundness of the national banking system and promote market structures conducive to competition. A proposed merger, consolidation, or purchase of assets and assumption of liabilities between a national bank and another depository institution are all hereinafter referred to as mergers unless the context indicates otherwise. A merger which would not have a substantially adverse effect on competition and which would be beneficial to the merging depository institutions and to the public normally will be approved.

(8) *Nonconforming assets.* The Office may, in its discretion and subject to such conditions as it may prescribe, permit a national bank to retain and carry for purposes of prompt subsequent divestiture nonconforming assets acquired through merger. The value of any such assets so retained may be determined by the Office.

(c) *Approval procedures and treatment of minority shareholders in consolidations and mergers.—(1) Consolidations and mergers of national banks with other national banks and state banks as defined in 12 U.S.C. 215b(1) under the charter of a national bank.* National banks entering into consolidation and merger transactions authorized pursuant to 12 U.S.C. 215 and 215a shall follow and be bound by the approval procedures and by the requirements with respect to the treatment of minority shareholders set forth in those provisions.

(2) *Consolidations and mergers of national banks with Federal savings associations under charter of a national bank.—(i) Approval of Comptroller, board and shareholders; terms and conditions; notice.* Any national banking association and any Federal savings association, as authorized pursuant to title V of the Federal Deposit Insurance

Corporation Improvement Act of 1991 (12 U.S.C. 215c(a)), may, with the approval of the Office, be consolidated or merged under the charter of a national banking association on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of the national bank proposing to merge or consolidate and by the board of directors of the Federal savings association, in accordance with laws and regulations to which it is subject, and be ratified and confirmed by the affirmative vote of the shareholders of each such association owning at least two-thirds of its capital stock outstanding, or by a different proportion of such capital stock in the case of a Federal savings association in accordance with the laws and regulations governing such association, at a meeting to be held on the call of the directors after publishing notice of the time, place, and object of the meeting for four consecutive weeks in a newspaper of general circulation published in the place where the association is located, or, if there is no such newspaper, then in the paper of general circulation published nearest thereto, and after sending such notice to each shareholder of record by certified or registered mail at least ten days prior to the meeting, except to those shareholders who specifically waive notice.

Notwithstanding the above, notice to the shareholders of a Federal savings association involved in a proposed consolidation or merger shall be made in accordance with the laws and regulations to which such Federal savings association is subject. Publication of notice to the shareholders of the national bank may be waived in cases where the Office determines that an emergency exists justifying such waiver, or by unanimous action of the shareholders of the association.

(ii) *Liability of resulting or receiving association; capital stock.* The resulting or receiving association shall be liable for all liabilities of the respective consolidating or merging associations. The capital stock of such resulting or receiving association shall not be less than that required under existing law for the organization of a national bank in the place in which it is located and, with respect only to a merger, the merger agreement shall specify the amount of stock (if any) to be allocated, and cash (if any) to be paid, to the shareholders of the Federal savings association being merged into the receiving association.

(iii) *Dissenting national bank shareholders in a consolidation.* If a consolidation shall be voted for at such meetings by the necessary majorities of



the shareholders of each association proposing to consolidate, and the consolidation shall be approved by the Office, any shareholder of any national bank so consolidating who has voted against such consolidation at the meeting of the association of which he or she is a stockholder, or who has given notice in writing at or prior to such meeting to the presiding officer that he or she dissents from the plan of consolidation, shall be entitled to receive the value of the shares so held when such consolidation is approved by the Office upon written request made to the resulting association at any time before thirty days after the date of consummation of the consolidation, accompanied by the surrender of his stock certificates.

(iv) *Valuation of national bank shares.* The value of the shares of any dissenting shareholder of any national bank shall be ascertained, as of the effective date of the consolidation, by an appraisal made by a committee of three persons, composed of: One selected by the vote of the holders of the majority of the stock, the owners of which are entitled to payment in cash; one selected by the directors of the resulting association; and one selected by the two so selected. The valuation agreed upon by any two of the three appraisers shall govern. If the value so fixed shall not be satisfactory to any dissenting shareholder who has requested payment, that shareholder may, within five days after being notified of the appraised value of his or her shares, appeal to the Office, who shall cause a reappraisal to be made *provided that* all of the parties agree that such reappraisal shall be final and binding on each party as to the value of the shares of the appellant.

(v) *Appraisal of national bank shares by Comptroller; costs; sale and resale of shares.* If, within ninety days from the date of consummation of the consolidation, for any reason one or more of the appraisers is not selected as herein provided, or the appraisers fail to determine the value of such shares, the Office shall, upon written request of any interested party, cause an appraisal to be made if the parties agree that such appraisal will be final and binding on all parties as to the value of the shares of the appellant. The expenses of the Office in making the appraisal or reappraisal, as the case may be, shall be paid by the resulting association. The value of the shares ascertained shall be promptly paid to the dissenting shareholders by the resulting association. Within thirty days after payment has been made to all dissenting

shareholders as provided for above, the shares of stock of the resulting association which would have been delivered to such dissenting shareholders had they not requested payment shall be sold by the resulting association at an advertised public auction, unless some other method of sale is approved by the Office, and the resulting association shall have the right to purchase any of such shares at such public auction, if it is the highest bidder therefor, for the purpose of reselling such shares within thirty days thereafter to such person or persons and at such price not less than par as its board of directors by resolution may determine. If the shares are sold at public auction at a price greater than the amount paid to the dissenting shareholders the excess in such sale price shall be paid to such shareholders.

(vi) *Dissenting Federal savings association shareholders.* The appraisal of dissenters' shares of stock in a Federal savings association involved in a merger or consolidation with a national bank that will be the resulting or receiving association shall be determined in the manner prescribed by the law governing such association, rather than as provided in this section.

(vii) *Status of receiving or resulting association; property rights and interests vested and held as fiduciary.* The corporate existence of each of the consolidating or merging associations shall be continued in the resulting or receiving national banking association and such association shall be deemed to be the same corporation as each association participating in the consolidation or merger, provided that the Federal savings association shall relinquish its charter in accordance with the requirements of the Office of Thrift Supervision. All rights, franchises, and interests of the individual consolidating or merging associations in and to every type of property (real, personal, and mixed) and choses in action shall be transferred to and vested in the resulting or receiving national banking association by virtue of such consolidation or merger without any deed or other transfer. The resulting or receiving national banking association, upon the consolidation or merger and without any order or other action on the part of any court or otherwise, shall hold and enjoy all rights of property, franchises and interests, including appointments, designations, and nominations, and all other rights and interests as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, and committee of estates of

lunatics, and in every other fiduciary capacity, in the manner and to the same extent as such rights, franchises, and interests were held or enjoyed by any one of the consolidating or merging associations at the time of consolidation or merger, subject to the conditions hereinafter provided.

(viii) *Removal as fiduciary; discrimination.* Where any consolidating or merging association, at the time of the consolidation, was acting under appointment of any court as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, or committee of estates of lunatics, or in any other fiduciary capacity, the resulting or receiving national banking association shall be subject to removal by a court of competent jurisdiction in the same manner and to the same extent as was such consolidating or merging association prior to the consolidation or merger. Nothing contained in this section shall be considered to impair in any manner the right of any court to remove the resulting or receiving national banking association and to appoint in lieu thereof a substitute trustee, executor, or other fiduciary, except that such right shall not be exercised in such a manner as to discriminate against national banking associations, nor shall any resulting or receiving national banking association be removed solely because of the fact that it is a national banking association.

(ix) *Issuance of stock by resulting or receiving association; preemptive rights.* Stock of the resulting or receiving national banking association may be issued as provided by the terms of the consolidation or merger agreement, free from any preemptive rights of the shareholders of the respective consolidating or merging associations.

(x) *Definitions.* For purposes of paragraph (c) of this section only, "receiving association" means the national banking association into which one or more Federal savings associations merge; and "resulting association" means the national banking association into which one or more Federal savings associations consolidate.

(f) *Investigation and examination.* The Office may conduct an examination into the condition of the applicants, whether state or federally chartered, to the extent deemed necessary. The cost of such an examination, in the case of a state-chartered depository institution or a Federal savings association, shall be charged to the applicants, pursuant to § 5.5(c) of this part, in addition to the



filing fee imposed pursuant to § 5.5 (a) and (b) of this part.

(h) *Merger or consolidation of a national bank into a state-chartered bank as defined in 12 U.S.C. 214(a) or into a Federal savings association—(1) Policy.* The merger or consolidation of a national bank with a state-chartered bank or Federal savings association under the charter of the state-chartered bank or Federal savings association does not require Office approval. Additionally, the rules of general applicability (12 CFR part 5, subpart A) do not apply. Termination as a national banking association will be automatic upon completion of the requirements of 12 U.S.C. 214a, in the event of a merger or consolidation into a state-chartered bank, or paragraph (h)(3) of this section, in the event of a merger or consolidation into a Federal savings association, and consummation of the transaction.

(2) *Procedure.* A national bank desiring to merge or consolidate with a state bank or a Federal savings association under the charter of the state bank or Federal savings association should submit a notice to the appropriate district office advising of its intention. This notice should be submitted at the time the application to merge or consolidate is filed with the responsible agency under the Bank Merger Act (12 U.S.C. 1828(c)). The bank will be furnished with instructions to terminate its status as a national bank.

(3) *Special procedures for merger or consolidation with a Federal savings association.* A national banking association may, by vote of the holders of at least two thirds of each class of its capital stock, merge or consolidate with a Federal savings association, as authorized pursuant to title V of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 215c(a)), under a Federal savings association charter, in the following manner:

(i) *Approval of board of directors; publication of notice of stockholders' meeting; waiver of publication; notice by registered or certified mail.* The plan of merger or consolidation must be approved by a majority of the entire board of directors of the national banking association. The bank shall publish notice of the time, place, and object of the shareholders' meeting to act upon the plan, in some newspaper with general circulation in the place where the principal office of the national banking association is located, at least once a week for four consecutive weeks, provided that newspaper publication may be dispensed with entirely if

waiver by all the shareholders and one publication at least ten days before the meeting shall be sufficient if publication for four weeks is waived by holders of at least two thirds of each class of capital stock and prior written consent of the Office is obtained. The national banking association shall send such notice to each shareholder of record by registered mail or by certified mail at least ten days prior to the meeting, which notice may be waived specifically by any shareholder.

(ii) *Rights of dissenting stockholders.* a shareholder of a national banking association who votes against the merger or consolidation, or who has given notice in writing to the bank at or prior to such meeting that he or she dissents from the plan, shall be entitled to receive in cash the value of the shares he or she holds, if and when the merger or consolidation is consummated, upon written request made to the resulting Federal savings association at any time before thirty days after the date of consummation of such merger or consolidation, accompanied by the surrender of his or her stock certificates. The value of such shares shall be determined as of the date on which the shareholders' meeting was held authorizing the merger or consolidation, by a committee or three persons, one to be selected by majority vote of the dissenting shareholders entitled to receive the value of their shares, one by the directors of the resulting Federal savings association, and the third by the two so chosen. The valuation agreed upon by any two of three appraisers thus chosen shall govern; but, if the value so fixed shall not be satisfactory to any dissenting shareholder who has requested payment as provided herein, such shareholder may within five days after being notified of the appraised value of his or her shares appeal to the Office, which shall cause a reappraisal to be made if the parties agree that such reappraisal shall be final and binding on all parties as to the value of the shares of the appellant and also agree on how the full expenses of the Office in making the reappraisal shall be divided among the parties and paid to the Office. If, within ninety days from the date of consummation of the merger or consolidation, for any reason one or more of the appraisers is not selected as herein provided, or the appraisers fail to determine the value of such shares, the Office shall upon written request of any interested party, cause an appraisal to be made provided that the parties agree that such appraisal shall be final and binding on all parties as to the value of the shares of the appellant and also agree on how the full expenses of the

Office in making the appraisal shall be divided among the parties and paid to the Office. The plan of merger or consolidation shall provide, consistent with the requirements of the Office of Thrift Supervision, the manner of disposing of the shares of the resulting Federal savings association not taken by the dissenting shareholders of the national banking association.

Dated: September 23, 1992.

Stephen R. Steinbrink,  
Acting Comptroller of the Currency.  
[FR Doc. 92-26282 Filed 11-2-92; 8:45 am]  
BILLING CODE 4810-33-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 30

#### Limited Marketing Activities From a United States Location by Certain Firms and Their Employees or Other Representatives Exempted Under Commodity Futures Trading Commission Rule 30.10

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Order.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission") is granting relief under rule 30.10, 17 CFR 30.10 (1992), to permit firms that have received rule 30.10 relief,<sup>1</sup> to engage in limited marketing conduct with respect to foreign futures or option contracts within the United States through their employees or other representatives. The relief granted by this order, which responds to requests for clarification from certain persons granted rule 30.10 relief as to what marketing activities such relief permits to be undertaken in

<sup>1</sup> For purposes of this Order, the term "rule 30.10 relief" will include any comparability order of the Commission under rule 30.10 granting relief from the application of certain of the Commission's part 30 rules, including registration, as well as any order which in its effect is identical to such relief (e.g., Mutual Recognition Memorandum of Understanding, 55 FR 23902 (June 13, 1990)). To date the Commission has granted the following orders under rule 30.10: 55 FR 23903 (June 13, 1990) (Mutual Recognition Memorandum of Understanding between the CFTC and the French Commission des Operations de Bourse); 54 FR 21614 (May 19, 1989) (Investment Management Regulatory Organization Limited); 54 FR 21609 (May 19, 1989) (The Securities Association ("TSA")) and 54 FR 21604 (May 19, 1989) (Association of Futures Brokers and Dealers ("AFBD")) (the AFBD and TSA have since merged to form the Securities and Futures Authority); 54 FR 21599 (May 19, 1989) (Securities and Investments Board); 54 FR 21599 (May 19, 1989) (Montreal Exchange); 54 FR 806 (January 10, 1989) (Singapore International Monetary Exchange Limited); and 53 FR 44856 (November 7, 1988) (Sydney Futures Exchange Limited).



the United States, will apply only to firms which have both received such relief and which are located in a foreign jurisdiction whose comparable regulatory regime extends to the supervision of the activities engaged in by a firm, its employees or other representatives operating in a jurisdiction other than the licensing or "home" jurisdiction.

**EFFECTIVE DATE:** December 3, 1992.

**FOR FURTHER INFORMATION CONTACT:** Jane C. Kang, Esq. or Robert Rosenfeld, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone (202) 254-8955.

**SUPPLEMENTARY INFORMATION:** Part 30 of the Commission's regulations establishes a regulatory framework governing the offer and sale of foreign futures and option contracts to persons located in the United States.<sup>2</sup> Commission rule 30.10, adopted on July 23, 1987, provides a framework pursuant to which persons located in a foreign jurisdiction which imposes a comparable regulatory regime may be exempted from certain of the Commission's part 30 rules and regulations subject to, among other things, appropriate information sharing arrangements between the Commission and relevant foreign authorities and assurances that the activities subject to regulation will be supervised by the appropriate regulatory authorities in that jurisdiction.

In adopting the exemptive provision of rule 30.10 the Commission stated that the exemption would be available only to persons located outside the United States who are subject to a comparable regulatory system and who engage in activities subject to regulation and supervision in their home jurisdiction by their home regulator.<sup>3</sup> This restrictive application of relief was premised, in part, on the desire of the Commission to proceed in a cautious manner in the implementation of a new program which

could implicate the customer protections accorded United States customers. Specifically, the Commission was concerned that conduct not occur in the United States which would not be supervised either by the Commission or the foreign regulator.

Consistent with the above, foreign firms which have received rule 30.10 relief could, from a location outside of the United States, offer or sell foreign futures or option contracts to persons located in the United States, as long as such conduct did not violate the anti-fraud provision of Commission rule 30.9 and was not otherwise inconsistent with the provisions of the Commodity Exchange Act ("Act") or regulations thereunder or the law of the other jurisdictions in which the firm is located. This conduct could include telephone calls, mailings (both printed material as well as electronically encoded material such as compact discs or computer diskettes), or advertising in media such as radio, television or newspapers (including the transmission of advertising via computer screens).<sup>4</sup> Such solicitation activities, which (in addition to the acceptance of orders)<sup>5</sup> otherwise would require registration with the Commission regardless of the point of origin, currently may be undertaken by foreign firms which have been exempted from the registration requirement under a rule 30.10 order based on that firm's compliance with the rules of a comparable regulatory system.

The Commission notes, however, that policies established under one set of circumstances may not necessarily be appropriate in light of change circumstances. In particular, the existence of a four year operational history under the part 30 program, as well as requests from various foreign regulations for a more flexible interpretation of the rule 30.10 orders or equivalent arrangements to permit limited conduct within the United

States, warrant a reexamination of the Commission's policy under rule 30.10 so as to determine whether conduct in the United States by employees or other representatives of rule 30.10 firms directed to existing and prospective customers can be permitted consistent with the Commission's responsibilities under the Act.

The Commission initially observes that its experience with the operation of the part 30 program has been positive. To date, over 100 firms have received rule 30.10 relief and the Commission is aware of no problems under the program. The Commission believes that the success of the rule 30.10 program as well as the existence of working relationships established under that program with foreign regulatory and self-regulatory authorities provide assurances that the conduct of rule 30.10 exempted firms through their employees or other representatives located in the United States, if of a limited duration and subject to proper supervisory controls, will not be inconsistent with the Commission's obligations under the Act to ensure appropriate customer protection.

In addition, Commission staff previously has broadened the ability of certain foreign firms to communicate with United States persons from United States locations. For example, Commission staff made clear that the use by such a firm of a United States registered introducing broker ("IB"), whether affiliated or unaffiliated, as a sales agent would not disqualify the foreign firm from eligibility for rule 30.10 relief.<sup>6</sup> A Commission staff no-action position permitted representatives of a firm exempted under rule 30.10 to solicit certain U.S. institutional entities under certain specified circumstances and conditions.<sup>7</sup> This relief was of limited duration, however, and required, among other things, that the representatives of the foreign firm be accompanied by a registered associated person of an affiliated Commission registered firm and that any accounts ultimately opened with the foreign firm be introduced by the Commission registered firm. More recently, Commission staff has provided guidance to a foreign futures exchange with respect to the permissible scope of activities that the members of that exchange could engage in during a limited one-day promotional event in the

<sup>4</sup> Such activities have been deemed by the Securities and Exchange Commission ("SEC") to constitute "solicitation" in the context of broker-dealer registration. As noted by the SEC in its release adopting rule 15a-6 (exemptions from broker-dealer registration for foreign firms), "the term solicitation includes efforts to induce a single transaction or to develop an ongoing securities business relationship. Conduct deemed to be solicitation includes telephone calls from a broker-dealer encouraging use of the broker-dealer to effect transactions, as well as advertising one's function as a broker or market maker in newspapers or periodicals of general circulation in the United States or on any radio or television station whose broadcasting is directed into the United States." 54 FR 30013, 30018 (July 18, 1989). See also 55 FR 18306, 18310 (May 2, 1990) (adopting SEC Regulation S).

<sup>5</sup> The Commission wishes to make clear that its registration requirements do not distinguish between the solicitation or acceptance of orders. See e.g., Rule 39.4(a), 17 CFR 30.4(a).

<sup>6</sup> See Division of Trading and Markets Interpretative Letter 88-3, January 15, 1988. Comm. Fut. L. Rep. (CCH) ¶ 24,085.

<sup>7</sup> See, Division of Trading and Markets Interpretative Letter 90-14, July 24, 1990. 2 Comm. Fut. L. Rep. (CCH) ¶ 24,688.

<sup>2</sup> 17 CFR Part 30 and Appendix A thereto, which was adopted by the Commission on July 23, 1987. 52 FR 28980 (August 5, 1987). Rule 30.1, 17 CFR 30.1, defines "foreign futures" and "foreign option" in terms contracts that are "made or to be made on or subject to the rules of any foreign board of trade." The relief granted in the order applies only with respect to foreign futures and options.

<sup>3</sup> See 52 FR 28980, 28981 (August 5, 1987) ("It is not the Commission's intention to grant such exemptions to persons located in the United States that solicit or accept orders for execution on a foreign board of trade. . . ."); see also Division of Trading and Markets Interpretative Letter 90-14, July 24, 1990, 2 Comm. Fut. L. Rep. (CCH) ¶ 24,688; and Division of Trading and Markets Interpretative Letter 88-3, January 15, 1988. Comm. Fut. L. Rep. (CCH) ¶ 24,085.



United States at a specified location to promote the exchange and its products to certain United States institutional customers.<sup>8</sup>

The above positions were based on a recognition by Commission staff that in order for rule 30.10 relief to better serve the interests of existing and prospective United States customers of rule 30.10 firms consistent with relevant customer protection concerns, certain direct contacts between such firms and their customers which would not contravene the Commission's original intent to permit marketing by firms without permanent locations in the United States could be permitted. The Commission concurs and, accordingly, has determined that firms subject to a rule 30.10 exemption should be permitted to engage in reasonably limited marketing activities in the United States with respect to foreign futures and options from a United States location with certain customers or potential customers as described and subject to the conditions specified below.

As specified below, the Commission initially is limiting its relief to conduct directed towards certain institutions and governmental entities whose description in terms of status and assets has been derived generally from the definition of "qualified eligible participant" ("QEP") as that term is defined in recently adopted Commission rule 4.7(a)(1)(ii), 57 FR 34853, 34860 (August 7, 1992). The Commission believes that direct contacts by rule 30.10 firms through their employees or other representatives with such institutions and governmental entities, who have a high degree of sophistication and financial resources, may facilitate appropriate supervision by the relevant foreign regulator.<sup>9</sup>

<sup>8</sup> See letter dated August 17, 1992 from Andrea Corcoran, Commission, to Patrick Stephen, Marche a Terme International de France.

<sup>9</sup> The QEP definition includes a portfolio test for certain persons which is intended to reflect objective evidence of investment experience. Such prior investment experience was deemed necessary by the commission in order to ensure that investors who do not receive the specific commodity-pool related disclosures of rule 4.21 would have a relatively high degree of investment acumen and resources. See 57 FR 34853, 34855 (August 7, 1992). In the context of direct United States marketing contacts between rule 30.10 firms and certain institutions in the United States with whom such firms could communicate directly from offshore locations, the Commission does not believe that such a portfolio standard is necessary. Specifically, the portfolio test of rule 4.7 is intended to assure prior investment experience and thereby diminish the need for the mandated disclosures in rule 4.21. In contrast, the disclosure obligations to United States customers contacted directly pursuant to this Order by a firm with rule 30.10 relief will not in any way be diminished by this Order, as rule 30.10 contemplates disclosure pursuant to the Act.

The Commission notes, however, that this Order should be viewed as a first step. Absent any

The Commission's policy is intended only to permit marketing activities in the United States for limited periods by rule 30.10 exempted firms and their employees or other representatives. Clearly, any person who establishes a fixed location for the solicitation or acceptance of business in the United States, or whose marketing activities involve long or repeated periods within the United States that can be characterized as a *de facto* fixed presence, will be required to register with the Commission. In order to eliminate requests for guidance and to permit its new marketing policy to be implemented generally on a self-executing basis, the Commission Order includes as a condition an objective standard governing the permissible duration and frequency of conduct in the United States. Essentially, the Commission believes that for purposes of this Order marketing activity subject to regulation under part 30 which in the aggregate does not exceed thirty business days in any calendar year does not constitute a *de facto* fixed presence which would disqualify the rule 30.10 firm from eligibility for such relief.<sup>10</sup> This relief is conditioned on the requirement that the foreign regulatory or self-regulatory organizations granted rule 30.10 relief interpret their authority to encompass supervision of firms which engage in marketing conduct from United States locations and undertake to use such authority to implement measures to monitor compliance with the criteria of this Order.<sup>11</sup> In addition,

problems that would warrant a reconsideration of the appropriateness of permitting rule 30.10 firms to operate in accordance with the terms of this Order, the Commission may in due course expand the Order to include any customer located in the United States.

<sup>10</sup> This order addresses marketing and other sales activities by firms with rule 30.10 relief and their employees or other representatives from United States locations and does not encompass any other activities subject to regulation under the Act. To the extent that a rule 30.10 firm has an affiliate (which is separately incorporated or otherwise has a separate legal existence) in the United States which is registered with the Commission (e.g., an IB), the Commission wishes to make clear that such registrant's conduct will not be attributed to the rule 30.10 firm for purposes of the limitation on duration and frequency of activities in the United States imposed by this Order. The Commission recognizes that employees or other representatives of a rule 30.10 firm may routinely conduct business in the United States that is unrelated to the Act. It is the Commission's intent that the 30 day limit apply only with respect to conduct subject to regulation under the Act.

<sup>11</sup> It should be noted of course that notwithstanding the supervision that a foreign regulator may apply to the activities of a rule 30.10 firm operating from relevant foreign jurisdictions or in the United States pursuant to this Order, the Commission retains its direct jurisdiction over such firms and their employees or representatives who engage in activities subject to part 30. In this

the foreign regulatory or self-regulatory organization to which the Commission's rule 30.10 order is issued must request that the Order herein apply to firms in its jurisdiction with confirmed rule 30.10 relief and the Commission must confirm its applicability in writing.

Based upon the foregoing analysis and pursuant to its authority under sections 2(a)(1)(A), 4 and 4c of the Act, 7 U.S.C. 2, 6 and 6c, the Commission hereby authorizes any firms soliciting or accepting orders for foreign futures or options from U.S. customers for whom relief under rule 30.10 has been confirmed to market their services from non-permanent locations in the United States without prior notification to the Commission, *Provided, That:*

(1) The regulatory or self-regulatory organization to which rule 30.10 relief has been granted undertakes to supervise conduct by firms with such relief which takes place outside of that foreign jurisdiction through such firms' employees or other representatives under this Order;

(2) Any such firm supervises and accepts liability for all conduct by its employees or other representatives taking place in the United States with respect to its marketing activities;

(3) Marketing activities within the United States are reasonably limited in duration and frequency. (For this purpose, visits which do not in the aggregate exceed thirty business days in any one calendar year will be deemed to be reasonably limited);

(4) All accounts opened and all orders for foreign futures or options accepted as a result of any customer communications in the United States will be effected directly through the foreign office of the rule 30.10 firm;

(5) Such soliciting or marketing activities occurring within the United States will be limited to such activities directed to the following persons, acting either for their own account or the account of another entity which is described below:

(a) An FCM, IB, commodity pool operator or commodity trading advisor registered as such with the Commission;

(b) A broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934;

(c) An investment company registered under the Investment Company Act of 1940 or a business development company defined in section 2(a)(48) of that Act;

(d) A bank as defined in section 3(a)(2) of the Securities Act of 1933 ("Securities Act"), or any savings and loan association or other institution as defined in section 3(a)(5)(A) of the Securities Act;

In connection, the Commission notes that every order granting rule 30.10 relief has required a firm seeking relief under such an order to consent to jurisdiction in the United States under the Act and file a valid and binding appointment of an agent in the United States for service of process in accordance with the requirements set forth in Commission rule 30.5, 17 CFR 30.5.



(e) An insurance company as defined in section 2(13) of the Securities Act;

(f) A plan established by and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees, if such plan has total assets in excess of \$5,000,000;

(g) An employee benefit plan within the meaning of the Employee Retirement Income Security Act of 1974, *Provided*, That the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act, which is a bank, savings and loan association, insurance company, or registered investment adviser; or that the employee benefit plan has total assets in excess of \$5,000,000;

(h) A private business development company as defined in section 202(a)(22) of the Investment Advisers Act of 1940;

(i) An organization described in section 501(c)(3) of the Internal Revenue Code, with total assets in excess of \$5,000,000;

(j) A corporation, Massachusetts or similar business trust, or partnership, other than a pool, which has total assets in excess of \$5,000,000;

(k) A pool, trust, insurance company separate account or bank collective trust, with total assets in excess of \$5,000,000; or

(l) A governmental entity (including the United States, a state, or a foreign government) or political subdivision thereof, or a multinational or supranational entity or an instrumentality, agency or department of any of the foregoing; and  
*Provided Further That:*

(6) Before the Order herein may become effective as to any rule 30.10 order, the regulatory or self-regulatory organization to which rule 30.10 relief has been granted requests, and the Commission confirms in writing, the applicability of the Order herein to such rule 30.10 order.

The Commission wishes to make clear that firms and their employees or other representatives which engage in marketing conduct within the United States pursuant to this Order will be deemed by the Commission to have consented to the agent named in the agency agreement filed by the firm as a condition of rule 30.10 relief as their agent for service of process with respect to their activities regulated under the Act.

Any rule 30.10 firm operating under this Order will remain subject to all of the requirements contained in Part 30 of the Commission's regulations concerning the offer and sale of foreign futures or options to United States persons, including the antifraud prohibitions of rule 30.9. The Commission intends to evaluate the operation of this Order to determine whether the conditions noted above for the limited presence of foreign firms in the United States are appropriate. The Commission reserves the right to modify or revoke this Order, in its discretion, as

it deems appropriate, including to terminate the authority granted hereunder to any specific firm operating hereto.

Issued in Washington, DC on October 28, 1992.

Lynn K. Gilbert,

*Deputy Secretary to the Commission.*

{FR Doc. 92-26572 Filed 11-2-92; 8:45 am}

BILLING CODE 6351-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 271

[Docket No. RM80-53]

#### Maximum Lawful Price and Inflation Adjustments Under the Natural Gas Policy Act

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule; order of the Director, OPRR.

**SUMMARY:** Pursuant to the delegated authority, the Director of the Office of Pipeline and Producer Regulation (OPRR) revises and publishes the maximum lawful prices (MLPs) prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of November and December 1992. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the MLPs before the beginning of each month for which the figures apply.

**EFFECTIVE DATE:** November 1, 1992.

**FOR FURTHER INFORMATION CONTACT:** Garry L. Penix, (202) 208-0622.

#### SUPPLEMENTARY INFORMATION:

#### PUBLICATION OF PRESCRIBED MAXIMUM LAWFUL PRICES UNDER THE NATURAL GAS POLICY ACT OF 1978

Order of the Director, OPRR

Issued October 28, 1992.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires the Commission to compute and make available maximum lawful prices (MLPs) and inflation adjustments prescribed in Title I of the NGPA prior to the month they apply to.

The permanent elimination of all wellhead price controls, through the repeal of Title I of the NGPA, is effective on January 1, 1993.<sup>1</sup> Therefore, under the

<sup>1</sup> Natural Gas Wellhead Decontrol Act of 1989, Section 2, P.L. 101-60, July 28, 1989.

authority delegated in § 375.307(c)(1) of the Commission's regulations, the Director of the Office of Pipeline and Producer Regulation is publishing MLPs and inflation adjustment factors for November and December 1992 only.

MLPs and inflation adjustment factors for periods before November 1992 are contained in Tables in §§ 271.101 and 271.102 of the Commission's regulations. Table I of § 271.101(a) specifies the MLPs for gas under NGPA sections 102, 103(b)(1), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the MLPs for gas under sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors.

The quarterly percentage change in the gross domestic product (GDP) implicit price deflator published on October 27, 1992, was used in computing the MLPs and inflation adjustment factors for November and December 1992. The gross national product (GNP) specified in the NGPA wasn't used since the Department of Commerce states the next change in the GNP won't be published until December 1992. When the GNP is published, revised prices and inflation factors for November and December 1992 will be published, if necessary.

The Director notes that no changes to the MLPs and inflation adjustment factors for August, September and October 1992, which were computed with the GDP implicit price deflator, are necessary. After the GNP was published, it was found that MLPs and inflation factors for August, September and October 1992, computed using the GNP, were identical to those computed using the GDP.

#### List of Subjects in 18 CFR Part 271

Natural gas.

Kevin P. Madden,

*Director, Office of Pipeline and Producer Regulation.*

Upon consideration of the foregoing, part 271, chapter I, title 18 of the Code of Federal Regulations, is amended as set forth below.

1. The authority citation for part 271 continues to read as follows:

Authority: 15 U.S.C. 717-717w; 15 U.S.C. 3301-3432; 42 U.S.C. 7101-7352.

#### § 271.101 [Amended]

2. Section 271.101(a) is amended by adding the maximum lawful prices for November and December 1992, in Tables I and II.



TABLE I.—NATURAL GAS CEILING PRICES

[Other Than NGPA Sections 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in—	
			Nov. 1992	Dec. 1992
B.....	102.....	New natural gas, certain OCS gas <sup>1</sup> .....	\$6.821	\$6.857
C.....	103(b)(1).....	New onshore production wells <sup>2</sup> .....	3.879	3.887
E.....	105(b)(3).....	Intrastate existing contracts.....	6.343	6.371
F.....	106(b)(1)(B).....	Alternative maximum lawful price for certain intrastate rollover gas. <sup>3</sup> .....	2,220	2,225
G.....	107(c)(5).....	Gas produced from tight formations. <sup>4</sup> .....	7.758	7.774
H.....	108.....	Stripper gas.....	7.307	7.345
I.....	109.....	Not otherwise covered.....	3.210	3.217

<sup>1</sup> Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) was deregulated. (See part 272 of the Commission's regulations.)

<sup>2</sup> Commencing January 1, 1985, and July 1, 1987, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 was deregulated. (See part 272 of the Commission's regulations.) Thus, for all months succeeding June 1987 publication of a maximum lawful price per MMBtu under NGPA section 103(b)(2) is discontinued.

<sup>3</sup> Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas was deregulated. (See part 272 of the Commission's regulations.)

<sup>4</sup> The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in subpart C of part 271. The incentive ceiling price does not apply to certain gas after May 12, 1990, as a result of Commission Order No. 519-A. (See § 271.703 of the Commission's regulations.)

TABLE II.—NATURAL GAS CEILING PRICES

[NGPA Sections 104 and 106(a) (Subpart D, Part 271)]

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries in—	
	Nov. 1992	Dec. 1992
Post-1974 gas: <sup>2</sup> All producers.....	\$3.210	\$3.217
1973-1974 Biennium gas:		
Small producer.....	2.707	2.713
Large producer.....	2.078	2.082
Interstate rollover gas: All producers.....	1.191	1.193
Replacement contract gas or re-completion gas:		
Small producer.....	1.524	1.527
Large producer.....	1.167	1.169
Flowing gas:		
Small producer.....	0.767	0.769
Large producer.....	0.650	0.651
Certain Permian Basin gas:		
Small producer.....	0.904	0.906
Large producer.....	0.804	0.806
Certain Rocky Mountain gas:		
Small producer.....	0.904	0.906
Large producer.....	0.767	0.769
Certain Appalachian Basin gas:		
North subarea contracts dated after 10-7-69.....	0.732	0.734
Other contracts.....	0.679	0.680
Minimum rate gas: <sup>1</sup> All producers.....	0.401	0.402

<sup>1</sup> Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

<sup>2</sup> This price may also be applicable to other categories of gas (see §§ 271.402 and 271.602).

3. Section 271.102(c) is amended by adding the inflation adjustment for the months of November and December 1992, in Table III.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery	Factor by which price in preceding month is multiplied
Nov. 1992.....	1.00206
Dec. 1992.....	1.00206

[FR Doc. 92-26643 Filed 11-2-92; 8:45 am]  
BILLING CODE 6717-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1926

[Docket No. H040]

RIN 1218-AA58

Occupational Exposure to 4,4' Methylenedianiline (MDA); Approval of Information Collection Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule; approval of information collection requirements.

SUMMARY: On August 10, 1992, OSHA published final standards governing occupational exposure to MDA in both General Industry and Construction (57 FR 35630). These standards are designed to reduce the risks from exposure to MDA. At that time, OSHA submitted the information collection requirements to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act (PRA) of 1980. OMB has approved all information requirements contained in 29 CFR 1910.1050 (General Industry) and 29 CFR 1926.60

(Construction). The OMB clearances expire on September 30, 1995. This amends the August 10, 1992, Federal Register document to properly display the OMB control numbers.

EFFECTIVE DATE: These clearances became effective on September 28, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., room N3637, Washington, DC 20210, Telephone (202) 219-8151.

SUPPLEMENTARY INFORMATION: The PRA provisions of information collection are triggered when an OSHA compliance officer asks an employer to produce certain records and, in some circumstances, when an employer goes out of business. The MDA standards require that OSHA have access to the employer's Compliance Plan (General Industry § 1910.1050(g)(2)(ii); Construction § 1926.60(h)(5)(ii)), information and training records. (General Industry § 1910.1050(k)(4)(ii); Construction § 1926.60(l)(4)(ii)) as well as the employee's medical and monitoring records (General Industry § 1910.1050(n)(6); Construction § 1926.60(o)(7)). If an employer ceases business operation and there is no successor employer to receive these records, the employer is required to notify the Director of the National Institute of Occupational Safety and Health three months prior to destroying the records and transmit the records to the Director if he or she requests them (General Industry § 1910.1050(n)(7); Construction § 1926.60(o)(8)(ii)).

Public reporting burden for collection of information in both General Industry



and Construction was estimated to average five minutes per employer response to an OSHA compliance officer's request for access to the employer's records.

OMB reviewed the collection of information requirements for occupational exposure to MDA in accordance with the PRA, 44 U.S.C. 3501 et seq., and 5 CFR part 1320. OMB approved all information requirements contained in 29 CFR 1910.1050 (General Industry) and 29 CFR 1926.60 (Construction) under OMB clearance numbers 1218-0184, 1218-0183 respectively. On September 28, 1992, OMB approved the information Collection provisions for three years, the maximum period authorized by the Paperwork Reduction Act.

**Authority and Signature**

This document was prepared under the direction of Dorothy L. Strunk, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

This action is being taken pursuant to sections 4(b), 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), section 4 of the Administration Procedure Act, 5 U.S.C. 553(d)(3), Secretary of Labor's Order No. 1-90 (55 FR 9033) and 29 CFR part 1911.

Signed at Washington, DC this 29th day of October, 1992.

**Dorothy L. Strunk,**  
Acting Assistant Secretary for Occupational Safety and Health.

Parts 1910 and 1926 of title 29 of the Code of Federal Regulations are amended as follows:

**PART 1910—[AMENDED]**

1. The authority citation for subpart Z of 29 CFR part 1910 continues to read, in part, as follows:

**Authority:** Secs. 4, 6, and 8, Occupational Safety and Health Act, 29 U.S.C. 653, 655, 657, Secretary of Labor's Orders Nos. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), or 1-90 (55 FR 9033) as applicable; and 29 CFR part 1911.

2. In § 1910.1050, by adding a parenthetical, as follows, at the end of the regulatory text:

§ 1910.1050 **Methylenedianiline.**

(Approved by the Office of Management and Budget under control number 1218-0184)

**PART 1926—[AMENDED]**

1. The authority citation for part 1926 continues to read as follows:

**Authority:** Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Standards Act) (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, and 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), (or 1-90 (55 FR 9033)) as applicable; and 29 CFR part 1911.

2. In § 1926.60, by adding a parenthetical, as follows, at the end of the regulatory text:

§ 1926.60 **Methylenedianiline.**

(Approved by the Office of Management and Budget under control number 1218-0183)

(FR Doc. 92-26663 Filed 11-2-92; 8:45 am)

BILLING CODE 4510-26-M

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

[COTP Los Angeles/Long Beach Regulation 92-08]

**Safety Zone Regulations: Port of Los Angeles, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone around the following barges and tugs while they are moored either separately or together at Los Angeles Berths 142 through 144: the barges Crowley 020, Crowley 415, Crowley 417 and Crowley 419; and the tugs Sea Lion, Sea Victory, Adventurer and Guardian in the port of Los Angeles. The zone is needed to protect the public which may be attracted by the unusual appearance of, and danger posed by, tugs and barges carrying the topside platforms for offshore oil wells as they transit and moor in the Port of Los Angeles. Entry into this zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATES:** This regulation becomes effective at 5 p.m., PDT October 16, 1992. It Terminates at 12 midnight PST November 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Lt. R.F. Shields at (310) 980-4457.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days after Federal Register publication.

Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is

needed to protect the public which may be attracted by the unusual appearance of, and danger posed by, tugs and barges carrying the topside platforms for offshore oil wells as they transit and moor in the Port of Los Angeles.

**Drafting Information**

The drafters of this regulation are LT R.F. Shields, project officer for the Captain of the Port, and CAPT B.E. WEULE, project attorney, Eleventh Coast Guard District Legal Office.

**Discussion of Regulation**

The event requiring this regulation will occur between 5 p.m., PDT October 16, 1992, and 12 midnight PST November 30, 1992. This safety zone is necessary to protect the public which may be attracted by the unusual appearance of, and danger posed by, tugs and barges carrying the topside platforms for offshore oil wells as they transit and moor in the Port of Los Angeles.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

**Regulation**

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-8 and 160.5

2. A new temporary § 165.T1108 is added to read as follows:

**§ 165.T1108 Safety Zone: Port of Los Angeles, CA.**

**Safety Zone: Port of Los Angeles, CA.**

(a) *Location.* The following area is a safety zone: The navigable waters in the Port of Los Angeles within 100 yards of the following barges and tugs while they are moored either separately or together at Los Angeles Berths 142 through 144: The barges Crowley 020, Crowley 415, Crowley 417 and Crowley 419; the tugs Sea Lion, Sea Victory, Adventurer and Guardian.

(b) *Effective Date.* This regulation becomes effective 5 p.m., PDT October 16, 1992, It terminates at 12:00 midnight PST November 30, 1992.

(c) *Regulations.* In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.



Dated: October 16, 1992.

J.B. Morris,  
 Captain, U.S. Coast Guard, Captain of the  
 Port, Los Angeles/Long Beach.

[FR Doc. 92-26674 Filed 11-2-92; 8:45 am]

BILLING CODE 4910-14-M

**DEPARTMENT OF EDUCATION**

**34 CFR Part 639**

RIN 1840-AB58

**Law School Clinical Experience Program**

**AGENCY:** Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the regulations governing the Law School Clinical Experience Program. These final regulations are needed to implement recently enacted changes made by the Higher Education Amendments of 1992. The amendments expand the purposes for which grant assistance may be provided and increase the maximum grant award under the Law School Clinical Experience Program.

**EFFECTIVE DATE:** These regulations take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** Barbara J. Harvey, U.S. Department of Education, 400 Maryland Avenue, SW., room 3022, ROB-3, Washington, DC 20202-5251. Telephone: (202) 708-7863.

Individuals who are hearing impaired may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

**SUPPLEMENTARY INFORMATION:** These regulations implement the Higher Education Amendments of 1992 (Pub. L. 102-325), enacted July 23, 1992, which expanded the purposes for which grant assistance may be provided under this program to include continuing programs of clinical experience for students in the practice of law and increased the maximum grant award.

**Waiver of Notice of Proposed Rulemaking**

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), and the Administrative Procedure Act, 5

U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, these amendments merely incorporate statutory changes into the regulations or make other technical changes and do not implement substantive policy. Therefore, the Secretary has determined pursuant to 5 U.S.C. 553(b)(B), that public comment on the regulations is unnecessary and contrary to the public interest.

**Executive Order 12291**

These final regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

**Paperwork Reduction Act of 1980**

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

**Intergovernmental Review**

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

**Assessment of Educational Impact**

Based on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

**List of Subjects in 34 CFR Part 639**

Colleges and universities, Education department, Educational study programs, Equal educational opportunity, Grant programs—education, Reporting and recordkeeping requirements, Law school clinical experience.

(Catalog of Federal Domestic Assistance Number 84.097A—Law School Clinical Experience Program)

Dated: October 1, 1992.

Lamar Alexander,  
 Secretary of Education.

The Secretary amends part 639 of title 34 of the Code of Federal Regulations as follows:

**PART 639—LAW SCHOOL CLINICAL EXPERIENCE PROGRAM**

1. The authority citation for part 639 is revised to read as follows:

Authority: 20 U.S.C. 1134u-1134v, unless otherwise noted.

**§ 639.1 [Amended]**

2. In § 639.1 paragraph (a) is amended by adding “, continuing,” after the word “establishing”.

3. Section 639.3 is amended by revising paragraph (a) to read as follows:

**§ 639.3 Regulations that apply to the Law School Clinical Experience Program.**

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 82 (New Restrictions on Lobbying).

(6) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR part 86 (Drug-Free Schools and Campuses).

**§ 639.40 [Amended]**

4. In § 639.40 paragraph (a)(1) is amended by adding “, continuing,” after the word “establishing”; and paragraph (b) is amended by removing “\$100,000”, and adding, in its place, “\$250,000”.

5. The authority citations following the sections in part 639 are revised to read as follows:

Section	Authority
(a) 639.1	20 U.S.C. 1134u.
(b) 639.2	20 U.S.C. 1134u(d).
(c) 639.3	20 U.S.C. 1134u.
(d) 639.4	20 U.S.C. 1134u(a).
(e) 639.10	20 U.S.C. 1134u(a).
(f) 639.11	20 U.S.C. 1134u(a).
(g) 639.30	20 U.S.C. 1134u(a) and 1134v(b).
(h) 639.31	20 U.S.C. 1134u(a).
(i) 639.40	20 U.S.C. 1134u(a)-(c).

[FR Doc. 92-26601 Filed 11-2-92; 8:45 am]

BILLING CODE 4000-01-M



**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[MD5-1-5466; A-1-FRL-4205-2]

**Approval and Promulgation of Air Quality Implementation Plans; Maryland—Recodification of Air Quality Regulations**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. These revisions consist of a revised format for Maryland's air pollution control regulations. The changes are administrative in nature, and do not substantively revise the current SIP. The intended effect of this action is to ensure that Maryland's current regulatory numbering format and the Maryland SIP numbering format are consistent with each other. This action is being taken in accordance with section 110 of the Clean Air Act.

**EFFECTIVE DATE:** This action will become effective January 4, 1993 unless notice is received on or before December 3, 1992 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford (3AT11), at (215) 597-1325.

**SUPPLEMENTARY INFORMATION:** On March 21, 1991, the State of Maryland submitted a formal revision to its State Implementation Plan (SIP). The SIP revisions consist of a revised numbering system for these regulations. The revisions were necessitated by the fact

that the Maryland Air Management Administration (AMA), as part of a State government reorganization, was transferred from the Maryland Department of Health and Mental Hygiene (DHMH) to the Maryland Department of the Environment (MDE). The effective date of this transfer was July 1, 1987.

The State of Maryland's regulatory scheme is known as the Code of Maryland Administrative Regulations (COMAR). These regulations are organized by Title and Subtitle according to the issuing Department, followed by the subject matter within the Department. When the Maryland AMA was part of the DHMH, the air quality regulations were identified as COMAR 10.18.XX.XX, which represented the COMAR title 10 and subtitle 18. However, regulations issued by MDE are found in COMAR title 26, while air quality regulations are listed under subtitle 11. Thus, the air quality regulations, which are codified in the Maryland SIP as 10.18.XX.XX are now codified by the State as COMAR 26.11.XX.XX. The revised regulatory scheme was published as a Final Action in the January 27, 1989 Maryland Register. The Maryland air quality regulations which were in effect as of that date establish the "baseline" for recodification purposes.

Maryland held public hearings between July 9, 1990 and July 12, 1990 at three locations—Cambridge, Hagerstown, and Annapolis—as required by 40 CFR 51.102.

As part of the SIP revision request, Maryland provided documentation that the conversion of the regulatory numbering system resulted in no substantive changes in the existing regulations. However, the Maryland regulations underwent administrative wording changes necessitated by the transfer of Departments, as well as style changes to be consistent with that preferred by the State Division of State Documents. These revisions fall into six general categories:

1. Name changes were made so that any and all reference to the Maryland DHMH, its Secretary, and the Health-Environment Article would be changed to the corresponding references to MDE. In addition, all references to "Article 41" were changed to the "State Government Article."

2. All cross-references were revised accordingly, and lengthy regulations were split into shorter regulations (a style change preferred by the State Division of State Documents). Previously uncodified tables were recodified as separate regulations.

3. Alphabetical changes—Certain amendments were given sub-alphabetical citations (e.g., A-1) to restore the strict alphabetical sequence.

4. Stylistic changes were made, such as (1) replacement of units of measure abbreviations with a full word; (2) correction of grammatical errors in spelling, punctuation, and capitalizations; (3) use of bold face and italic type for emphasis, and (4) the addition of a lead zero to decimals (e.g., 0.03 instead of .03).

5. Updates were made to the Air Quality Regulations' administrative history.

6. Corrections were made, where necessary, to the authority line at the beginning of each chapter.

As part of the effort to shorten lengthy State regulations, Maryland rearranged the body of regulations that is currently codified in the Maryland SIP as COMAR 10.18.02.03A through 03N, listed below:

Current SIP citation	Revised SIP citation
10.18.02.03A.....	26.11.02.03
10.18.02.03B.....	26.11.02.04
10.18.02.03C.....	26.11.02.05
10.18.02.03D.....	26.11.02.06
10.18.02.03E.....	26.11.02.07
10.18.02.03F.....	26.11.02.08
10.18.02.03G.....	26.11.02.09
10.18.02.03H.....	26.11.02.10
10.18.02.03I.....	26.11.02.11
10.18.02.03J.....	26.11.02.12
10.18.02.03K.....	26.11.02.13
10.18.02.03L.....	26.11.02.14
10.18.02.03M.....	26.11.02.15
10.18.02.03N.....	26.11.02.16

The revised Alphabetical format affects the Definitions Section found in COMAR 26.11.01.01. The revised citations are described below:

Current SIP citation	Revised SIP citation
10.18.01.01A-1.....	26.11.01.01B
10.18.01.01B through .01F.....	26.11.01.01C through .01G
18.18.01.01F-1.....	26.11.01.01H
10.18.01.01G through .01I.....	26.11.01.01I through .01Q
10.18.01.01.0-1.....	26.11.01.01R
10.18.01.01P through .01V.....	26.11.01.01S through .01Y
10.18.01.01V-1.....	26.11.01.01Z
10.18.01.01W.....	26.11.01.01AA
10.18.01.01X.....	26.11.01.01BB
10.18.01.01Y.....	26.11.01.01DD

Because several Chapters in COMAR (10.18.18 and 10.18.19) had been reserved and contained no regulations, the following citations were revised accordingly:



Current SIP citation	Revised SIP citation
10.18.21.XX.....	26.11.19.XX
10.18.22.06.....	26.11.20.02

In order to evaluate the approvability as a SIP revision of the revised recodification scheme, the critical factors to be considered are (1) whether the SIP revision continues to contain all previously approved requirements for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS); (2) whether issues of enforceability arise; and (3) whether all of the applicable requirements (both procedural and substantive) of 40 CFR part 51 are met.

The most significant issue surrounding this recodification scheme involves enforceability issues. If approved, the recodification scheme for the Federally-enforceable Maryland SIP regulations would mirror those of the State-enforceable air quality regulations as they existed on January 27, 1989. However, some of the provisions designated 26.11.XX.XX are pending before EPA as SIP revisions, but are currently not in the Maryland because EPA has yet to take final action. Another group of regulations have been approved by EPA as SIP revisions, but are no longer part of Maryland's Regulations. Other substantive provisions designated 26.11.XX.XX are not part of the SIP because of the four reasons discussed below. Thus, EPA would be renumbering, for SIP purposes, certain regulations where the Federally-enforceable and State-enforceable provisions are clearly different.

EPA has determined that the pertinent requirements of 40 CFR part 51 have been met. EPA has also determined that the recodified COMAR regulatory format does not substantive revise any SIP provision so as to have a substantive impact on any current National Ambient Air Quality Standard (NAAQS) or Prevention of Significant Deterioration (PSD) increment. Therefore, EPA's approval action contains the following information to clarify the numbering system for SIP enforceability purposes:

(1) All current provisions in Maryland's regulations which EPA has approved as part as the Maryland SIP will now be cited as COMAR 26.11.XX.XX.

(2) All current Maryland SIP provisions which are no longer contained in Maryland's current regulations will continue to be designated, for SIP planning and enforcement purposes as COMAR 10.18.XX.XX. These provisions are listed

in appendix A of the Technical Support Document (TSD), which is available upon request from the EPA Regional Office listed in the ADDRESSES section of this notice.

(3) All "COMAR 26.11." provisions which are not part of the Maryland SIP but pending before EPA will be designated as COMAR 26.11.XX.XX. However, this action only approves those changes made by Maryland as part of its recodification action. This FRN defers Agency action on all of the pertinent substantive changes. These provisions are listed in appendix B of the TSD, referenced above.

Except as noted below, EPA incorporates by reference the text of COMAR 26.11.XX.XX effective as of that date. All substantive language changes with regard to pending SIP revision actions on the COMAR 26.11.XX.XX are crossed out.

At the same time, the text of the provisions listed in appendix A (which are still designated as COMAR 10.18.XX.XX) will be inserted into the IBR package, since they still constitute approved provisions of the Maryland SIP. The text of these approved provisions will be taken from the following documents which had been published by the State of Maryland:

(1) Excerpts from the March 7, 1980 Maryland Register pertaining to COMAR 10.18.01.06 (Exceptions to Visible Emissions Requirements), all subsections of COMAR 10.18.08 (Control of Incinerators), and COMAR 10.18.09.05A(3)(b) (Visible Emissions from Fuel Burning Equipment—Exceptions).

(2) Excerpts from the Maryland State Department of Health and Mental Hygiene Air Quality Regulations, Revision XVI (Effective Date: October 14, 1985) pertaining to the remainder of the COMAR provisions listed in appendix A.

However, Maryland's recodification request also encompasses State regulatory provisions which are not currently in the SIP. These regulations are listed respectively in the TSD appendices C through F:

(1) Those provisions covering subject matter which Maryland has historically requested EPA to not be included in the SIP.

(2) Those provisions are not in the Maryland SIP as embodied in 40 CFR part 52, but included in Maryland's section 111(d) Plans for noncriteria pollutants, which are embodied in 40 CFR part 62.

(3) Those provisions which Maryland had officially submitted as SIP revisions, but which EPA returned to Maryland

because they were considered to be incomplete.

(4) Those provisions which Maryland has revised, but has not officially submitted to EPA for incorporation into the SIP.

EPA is taking no action on the recodification action as it pertains to these provisions. EPA has determined that because these provisions have never been part of the Maryland SIP, Maryland did not intend to add them to the SIP at this time. None of the above-listed COMAR provisions is currently awaiting SIP action by EPA other than the changes associated with the recodification request. Yet if EPA extends its approval of the recodification scheme to these non-SIP provisions, such action could be misconstrued by the affected parties (i.e., public regulatory agencies, and the regulatory community) that EPA is tacitly approving the entire body of these provisions as a SIP revision. EPA intends to seek further clarification from Maryland as to whether the State had intended EPA to formally review and process the revised provisions listed in appendices C through F as SIP revisions.

This action will be effective 60 days from the date of this Federal Register notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on January 4, 1993.

#### Final Action

EPA is approving the recodification format of all current or pending SIP provisions, as well as the associated administrative and stylistic changes, as a revision of the Maryland SIP.

EPA has not reviewed the substance of these regulations at this time. These rules were approved into the State implementation plan in previous rulemakings. The EPA is now merely approving the new format and renumbering system submitted by the State. The EPA's approval of the renumbering system, at this time, does not imply any position with respect to the approvability of the substantive rules. To the extent EPA has issued any SIP calls to the State with respect to the adequacy of any of the rules subject to



this recodification, EPA will continue to require the State to correct any such rule deficiencies despite EPA's approval of this recodification. EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis for would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

This action approving Maryland's SIP revision request to recodify its SIP rules have been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 4, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 1, 1992.

Edwin B. Erickson,

Regional Administrator, Region III.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

#### Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(90) to read as follows:

#### § 52.1070 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(90) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on March 21, 1991.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated March 21, 1991 submitting a revision to the Maryland State Implementation Plan.

(B) Recodified Maryland Regulations, revised effective August 1, 1988.

(1) COMAR 26.11.01.01A. through J., L., O. through BB., DD. (except for "ammonium carbonates"); COMAR 26.11.01.02 through 26.11.01.09.

(2) COMAR 26.11.02.01 through 26.11.02.03A.(6)(o), 26.11.02.03A.(7) through 26.11.02.09, 26.11.02.10A., 10E., 26.11.02.11A., 11B.(2)-(3), 11C., 26.11.02.12 through 26.11.02.16.

(3) COMAR 26.11.03.01 through 26.11.03.03, 26.11.03.05 through 26.11.03.08.

(4) COMAR 26.11.05—(Entire Chapter).

(5) COMAR 26.11.06.03A.-.03C.; 26.11.06.05, 26.11.06A., .06C., .06D; 26.11.06.10, 26.11.06.11, 26.11.06.15, 26.11.06.16.

(6) COMAR 26.11.07.01 through 26.11.07.04, 26.11.07.05A. (1), (2), 26.11.07.05A.(5) through .05A.(7), 26.11.07.05B (1), (2), (4), (5).

(7) COMAR 26.11.09.01 through 26.11.09.04, 26.11.09.05B., 26.11.09.06 through 26.11.09.09.

(8) COMAR 26.11.10—Entire chapter except for COMAR 26.11.10.03B.(3).

(9) COMAR 26.11.11—Entire chapter except for COMAR 26.11.11.04A(1)-(4).

(10) COMAR 26.11.12—Entire Chapter.

(11) COMAR 26.11.13.01 (definitions of "external floating roof," "gasoline," "internal floating roof," "liquid-mounted seal," "metallic-type shoe seal," "rim-mounted secondary seal," "shoe mounted secondary seal," "tank truck," "vapor control system," "vapor mounted seal"; 26.11.13.02 (except for .02C(3)), 26.11.13.03, 26.11.13.04B., 26.11.13.05.

(12) COMAR 26.11.19.01A., 01B(2), (4), (5), .02A, .02B(1) (except for "low VOC adhesives"), .02B(2), (3), .02C(1), (2), .02D., .02E (except for all references to variables "C" and "D"), .02F(1), (2), (3) (except for "and"); 26.11.19.04 through 26.11.19.10, 26.11.19.13, 26.11.19.14.

(13) COMAR 26.11.20—Entire Chapter except for COMAR 26.11.20.02.

(ii) Additional materials.

(A) Remainder of the March 21, 1991 State Submittal known as Maryland 91-01B.

[FR Doc. 92-26539 Filed 11-2-92; 8:45 am]

BILLING CODE 6550-50-M

#### DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 920531-2221]

RIN 0648-AD86

Groundfish of the Gulf of Alaska, and Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; correction.

SUMMARY: This action corrects the preamble of a final rule that implemented Amendment 19 to the



Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 24 to the FMP for Groundfish of the Gulf of Alaska. This correction is necessary to inform the public of a citation error in the preamble.

**EFFECTIVE DATE:** September 30, 1992.

**SUPPLEMENTARY INFORMATION:** In rule document 92-22800 beginning on page 43926 in the issue of Wednesday, September 23, 1992, make the following correction:

On page 43930, second column, eighteenth line, change "§§ 672.2" to read "§§ 672.7".

Dated: October 23, 1992.

Samuel W. McKeen,  
*Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 92-26668 Filed 11-2-92; 8:45 am]

BILLING CODE 3510-22-M



# Proposed Rules

Federal Register

Vol. 57, No. 213

Tuesday, November 3, 1992

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 Parts 907 and 908

[Docket Nos. AO-245-A8 and AO-250-A6 and Docket No. FV92-907-1]

#### Navel and Valencia Oranges Grown in Arizona and Designated Parts of California; Termination of 1985 Amendment Proceeding

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Termination of amendment proceeding.

**SUMMARY:** This action terminates a 1985 amendment proceeding on the Federal marketing orders regulating navel and Valencia oranges grown in Arizona and designated parts of California. This action is taken in response to an August 21 decision by the U.S. Court of Appeals for the Ninth Circuit in San Francisco, California (Ninth Circuit) invalidating the 1985 amendments to the Valencia orange marketing order. In its decision, the Ninth Circuit ruled that the amendments were not properly enacted under the Administrative Procedure Act (APA). The decision also has implications for the navel orange marketing order because that order was amended concurrently in 1985 with the Valencia orange order. Accordingly, this action terminates the proceeding, leaving both orders to operate without the 1985 amendments.

**EFFECTIVE DATE:** November 3, 1992.

**FOR FURTHER INFORMATION CONTACT:** Maureen T. Pello, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2522-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-5127.

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding: Notice of Hearing issued on March 11, 1983, and published in the *Federal Register* on March 17, 1983 [48 FR 11276]; Notice of

Recommended Decision issued on April 5, 1984, and published in the *Federal Register* on April 11, 1984 [49 FR 14360]; Secretary's Decision and Referendum Order issued on July 12, 1984, and published in the *Federal Register* on July 18, 1984 [49 FR 29071]; Amendment to the Referendum Order issued on August 8, 1984, and published in the *Federal Register* on August 10, 1984 [49 FR 32080]; and the Order Amending the Orders issued on January 8, 1985, and published in the *Federal Register* on January 11, 1985 [50 FR 1429].

This action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and therefore is not subject to the requirements of Executive Order 12291 and Departmental Regulation 1512-1.

#### Preliminary Statement

This proceeding is conducted pursuant to the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601 *et seq.*] (Act), and the applicable rules of practice and procedure governing the formulation and amendment of marketing agreements and orders [7 CFR part 900].

On March 17, 1983, a Notice of Hearing was published in the *Federal Register* regarding several proposals submitted by the Navel and Valencia Orange Administrative Committees and other interested persons to amend the California-Arizona navel and Valencia orange marketing orders. A public hearing was subsequently held on April 5-22, 1983, in Bakersfield, California, on the proposed changes.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator of the Agricultural Marketing Service, on April 5, 1984, filed with the Department's Hearing Clerk, a Recommended Decision setting forth various proposed changes to the marketing agreements and orders and provided an opportunity to file written exceptions thereto by May 21, 1984. Nineteen exceptions were filed and were addressed in a Secretary's Decision which was issued on July 12, 1984. A Referendum Order was issued with the Secretary's Decision which provided navel and Valencia orange growers the opportunity to vote in referenda during the period August 1-31, 1984, on the proposed amended marketing orders as a whole.

An Amendment to the Referendum Order was issued on August 8, 1984, which changed the voting period to August 15-31, 1984. The August 8 Referendum Order also changed the voting procedures whereby growers could vote on each amendment individually so that only those amendments which passed in the referenda were incorporated into the marketing orders.

Those referenda were subsequently held from August 15-31, 1984. A Final Order Amending the Orders was issued on January 8, 1985, incorporating the amendments which passed by the requisite votes into the orange marketing orders.

On June 28, 1985, Sequoia Orange Company, Inc. (Sequoia) filed a petition under section 15(A) of the Act alleging that the grower referendum that was held in 1984 for this amendatory proceeding under the Valencia orange marketing order was illegal. Specifically, Sequoia challenged the change in voting procedures that occurred in the proceeding.

After the Department's Judicial Officer upheld the conduct of the referenda, the case was appealed by Sequoia to the U.S. District Court in Fresno, California (District Court). In a November 1990 decision, the District Court invalidated the 1985 amendments to the Valencia orange marketing order, ruling that the Department failed to comply with the notice and comment requirements of the APA in changing the voting procedures. Subsequently, the Department appealed that decision to the Ninth Circuit. On August 21, 1992, the Ninth Circuit affirmed the District Court's decision.

#### Termination of Proceeding

In view of the passage of time, the level of contention in the industries concerning various proposed amendments, and the Ninth Circuit's decision that the amendments were not properly enacted under the APA, the proceeding is hereby terminated. The orders will continue to operate without the 1985 amendments. A clarifying rule detailing the navel and Valencia orange marketing orders, without the 1985 amendments, will subsequently be issued by the Department and published in the *Federal Register*.



List of Subjects in 7 CFR Parts 907 and 908

Marketing agreements, Oranges. Reporting and recordkeeping requirements.

1. The authority citation for 7 CFR parts 907 and 908 continues to read as follows:

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

Dated: October 28, 1992.

John E. Frydenlund,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 92-26576 Filed 11-2-92; 8:45 am]

BILLING CODE 3410-02-M

**NUCLEAR REGULATORY COMMISSION**

10 CFR Parts 73 and 74

RIN 3150-AE27

**Licensees' Announcements of Safeguards Inspections**

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is proposing an amendment to its regulations concerning fuel cycle facilities. The proposed rule would ensure that the presence of NRC safeguards inspectors at certain fuel cycle facilities is not announced or widely communicated to licensee and contractor personnel without an expressed request to do so by the inspector. The proposed rule would increase the effectiveness of unannounced safeguards inspections and enable a safeguards inspector to obtain a more accurate view of affected facilities.

**DATES:** Comments must be received on or before February 1, 1993. Comments received after this date will be considered if it is practical to do so, but only those comments received on or before this date can be assured of consideration.

**ADDRESSES:** Comments or suggestions regarding the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received will be available for inspection and copying for a fee in the NRC Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC 20555.

**FOR FURTHER INFORMATION CONTACT:** Priscilla A. Dwyer, Office of Nuclear

Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 504-2478.

**SUPPLEMENTARY INFORMATION:** This proposed rulemaking would apply to fuel cycle facilities authorized to use or possess a formula quantity of strategic special nuclear material. The NRC proposes to prohibit a licensee or its contractors from using an access control measure or other means to intentionally give notice to other persons of the arrival or presence of an NRC safeguards inspector at an affected facility unless the licensee is specifically requested to do so by the NRC safeguards inspector. The proposed rule is intended to increase the effectiveness of unannounced safeguards inspections and to enable a safeguards inspector to get a more accurate view of normal operations at affected facilities. The rule is needed for safeguards inspections because of the quickness by which most safeguards degradations can typically be compensated after announcement of an inspector's presence (e.g., through the posting of a security officer) thus frustrating the effectiveness of the inspection. These proposed amendments are intended only to impose procedural changes to the way a licensee responds to the presence of an NRC safeguards inspector at affected fuel cycle facilities. It is anticipated that there will be minimal or no cost associated with implementation of these proposed amendments. The NRC may, in the future, consider the need for similar requirements for safety inspections at affected sites.

As the NRC said when it promulgated 10 CFR 50.70 (b)(4), which prohibits nuclear power reactor licensees from communicating the arrival or presence of an NRC inspector unless asked to do so by the inspector (see 53 FR 42939, 42940, October 25, 1988), the NRC expects to reserve enforcement action only for significant intentional violations of the prohibition. For example, the NRC recognizes the possibility of inadvertent communication of an inspector's presence. An honest response by an employee to an innocent inquiry that he just saw an NRC inspector is not proscribed by the rule. Therefore, an employee would not be required to lie, in response to a question, about the presence of an NRC inspector. Similarly, the NRC recognizes the possibility that some communication of an inspector's presence may even on occasion be necessary. For instance, the person directly in charge of an area being inspected may need to inform certain other people, perhaps higher-level

mangers, that, because of the inspection, she cannot attend a previously scheduled meeting. An employee would not be required by the rule to cancel previous engagements without giving timely and sufficient reasons.

**Environmental Impact: Categorical Exclusion**

The NRC has determined that this proposed change is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for the proposed rule.

**Paperwork Reduction Act Statement**

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget approval numbers 3150-002 and 3150-0123.

**Regulatory Analysis**

This proposed rule would have no significant impact on state and local governments and geographical regions. It may have an impact on health, safety, and the environment, but only in the sense of preventing adverse impacts on health, safety, and the environment through more effective safeguards inspections at affected fuel cycle facilities. The proposed rule would make it clear that NRC safeguards inspectors are to have a realistic picture of the actual conditions at a site during the inspection process and, therefore, be better able to identify conditions and/or practices for corrective action and to ensure that licensees comply with laws, regulations, and orders administered by the NRC. It is anticipated that this proposed rule, if promulgated, would impose procedural changes only on affected licensees at minimal or no cost. This constitutes the regulatory analysis for this proposed rule.

**Regulatory Flexibility Certification**

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The amendments being proposed would not impose additional cost on any affected licensees regardless of size.

**Backfit Analysis**

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule, and



therefore, that a backfit analysis is not required for this proposed rule because these amendments do not involve any provisions which would impose backfits on nuclear power plant licensees. This proposed rule affects only fuel cycle facilities that use or possess a formula quantity of strategic special nuclear material and is anticipated to impose only procedural changes at minimal or no cost to the licensee.

#### List of Subjects

##### 10 CFR Part 73

Criminal penalties, Hazardous materials—transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

##### 10 CFR Part 74

Accounting, Criminal penalties, Hazardous materials—transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

For the reasons set out in the preamble and under authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendment to 10 CFR parts 73 and 74.

#### PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for Part 73 continues to read as follows:

**Authority:** Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245 (42 U.S.C. 5841, 5844).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 73.37 (f) also issued under sec. 301, Pub. L. 96-295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99-399, 100 Stat. 876 (42 U.S.C. 2169).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 73.21, 73.37(g), and 73.55 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, and 73.67 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 73.20(c)(1), 73.24(b)(1), 73.26(b)(3), (h)(6) and (k)(4), 73.27 (a) and (b), 73.37(f), 73.40 (b) and (d), 73.46 (g)(6) and (h)(2), 73.50(g)(2), (3)(iii)(B), and (h), 73.55 (h)(2) and (4)(iii)(B), 73.57, 73.70, 73.71, and 73.72 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 73.46, paragraph (d)(15) is added to read as follows:

#### § 73.46. Fixed site physical protection systems, subsystems, components, and procedures.

\* \* \* \* \*

(d) \* \* \*  
(15) The licensee may not announce or otherwise communicate to its employees or site contractors the arrival or presence of an NRC safeguards inspector unless specifically requested to do so by the NRC inspector.

\* \* \* \* \*

3. The authority citation for part 74 continues to read as follows:

**Authority:** Secs. 53, 57, 161, 182, 183, 68 Stat. 930, 932, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2077, 2201, 2232, 2233, 2282); secs. 201, as amended 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

For the purpose of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 74.17, 74.31, 74.33, 74.51, 74.53, 74.55, 74.57, 74.59, 74.81, and 74.82 are issued under secs. 161b and 161i, 68 Stat. 948, 949, as amended (42 U.S.C. 2201(b) and 2201(i)); and §§ 74.11, 74.13, 74.15, and 74.17 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. In § 74.81, paragraph (d) is added to read as follows:

#### § 74.81 Inspections.

\* \* \* \* \*

(d) At a fuel cycle facility authorized to use or possess a formula quantity or more of strategic special nuclear material, the licensee may not announce or otherwise communicate to its employees or site contractors the arrival or presence of an NRC safeguards inspector unless specifically requested to do so by the inspector.

Dated at Rockville, MD this 27th day of October 1992.

For the Nuclear Regulatory Commission.  
Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 92-26626 Filed 11-2-92; 8:45 am]

BILLING CODE 7590-01-M

#### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

#### 29 CFR Parts 1910 and 1926

[Docket No. H-033e]

RIN 1218-AB25

#### Occupational Exposure to Asbestos

**AGENCY:** Occupational Safety and Health Administration, Labor.

**ACTION:** Request for supplemental comments.

**SUMMARY:** On July 20, 1990, the Occupational Safety and Health

Administration (OSHA) published proposed revisions to its asbestos standards (55 FR at 29712). Public hearings on the proposed revisions were held in Washington, DC, in January and February 1991. The post-hearing comment and briefing periods closed on July 26, 1991. OSHA now reopens the rulemaking record for 60 days for the limited purpose of receiving additional comments and information concerning: 1) Worker exposure due to asbestos in public and commercial buildings/facilities, and 2) the need for building/facility owners and other employers to communicate the presence and location of asbestos-containing materials (ACM) in their buildings/facilities in order to protect building/facility service and maintenance workers and other exposed employees.

The purpose of this notice is to inform participants of specific regulatory provisions being considered by the Agency and to solicit supplemental comment and information on this approach and other suggested regulatory provisions intended to provide such protection.

OSHA also invites written comment on submissions to the record after the close of the post-hearing comment period.

**DATES:** Information and comments should be sent in quadruplicate by January 4, 1993.

**ADDRESSES:** All submissions should be sent to the Docket Officer, Docket H-033e, room N2625, Occupational Safety and Health Administration, US Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (telephone (202) 523-7694). Comments limited to 10 pages or less may also be transmitted by facsimile to: (202) 523-5046, provided the original and 4 copies of the comment are sent to the Docket Officer immediately thereafter.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Foster, room N3647, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 523-8151.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 17, 1986, OSHA issued revised standards governing occupational exposure to asbestos for general industry (29 CFR 1910.1001) and construction (29 CFR 1958.58) (51 FR 22612 *et seq.*). These standards reduced the 8-hour time weighted average (TWA) permissible exposure limit (PEL)



tenfold to 0.2 fibers per cubic centimeter of air (f/cc).

Participants in the rulemaking proceeding, including the Building and Construction Trades Department (BCTD) of the AFL-CIO and the Asbestos Information Association (AIA) challenged various provisions. In its decision of February 2, 1988, the U.S. Court of Appeals for the District of Columbia upheld most major challenged provisions, but remanded several issues to the Agency for reconsideration. OSHA resolved most of these issues on the record for the 1986 standards (54 FR 5204 and 55 FR 3724). OSHA determined, however, that resolution of four remaining issues would require further rulemaking.

On July 20, 1990, OSHA published its proposed revisions addressing the remaining remand issues. These proposed changes would: Reduce the PEL to 0.1 f/cc; extend the reporting and information transfer requirements; expand the requirement for a competent person to oversee all construction operations; and, clarify the negative pressure enclosure requirement and the definition of small-scale, short duration operations. OSHA's proposed information transfer (notification) requirements, among other things, would require building/facility owners to communicate all "available" knowledge concerning the location of asbestos-containing material to potentially exposed employees and their employers.

In discussing the proposed notification requirements, OSHA asked "whether the Agency should require building owners to determine the presence, location, and amount of asbestos within their buildings" (55 FR at 29730). Many responses were received during the rulemaking process. Most of these stated that material must be clearly identified as containing asbestos or assumed to contain asbestos when it is disturbed. Most comment supported some sort of mandatory building/facility inspection or survey to locate the asbestos-containing material. Awareness training was the next suggested step in protecting workers from the inadvertent exposure.

A review of specific responses from major participants follows. In their post-hearing briefs, union representatives uniformly expressed support for an extensive inspection rule for public and commercial buildings. The Building and Construction Trades Department, AFL-CIO (BCTD) discussed the relative merits of approaches to building inspections and concluded that "... an inspection survey requirement will be more workable, offer substantially more protection to employees covered under

the construction standard, and be more cost effective, than an 'inspect before you disturb rule'" (Exhibit 143). BCTD urged OSHA to "include an inspection survey requirement as the logical first step to a truly effective notification requirement." Similarly, the American Federation of State, County, and Municipal Employees (AFSCME) advocated a requirement to inspect all buildings and that this be performed by an accredited inspector with bulk sampling of materials in accessible areas and analysis by an accredited laboratory (Exhibit 5). AFSCME further recommended implementation of operation and maintenance programs in buildings with training of all employees, the length of which would be based on the likelihood that the employees' normal duties will disturb asbestos. The Service Employees International Union, AFL-CIO, (SEIU) stated its clear support for an up-front building inspection rule, reasoning that "... without a building inspection requirement, it is nearly impossible to determine what precautions should be taken for a particular task" (Exhibit 144). SEIU also urged OSHA to "institute requirements for \* \* \* notification of building occupants and employees regarding the presence of asbestos, worker training, appropriate response, and coverage of state and local employees."

The Safe Buildings Alliance (SBA) recommended in its post-hearing brief the following regulatory text:

*Inspection:* Those employers whose employees' duties involve contact with ACM shall assure that all ACM in the workplace is identified. Employers may rely on inspections conducted since 1986 and need not inspect building areas constructed since 1980. (Exhibit 151)

SBA further recommended employee notification and training provisions similar to those outlined by OSHA in this notice. An association representing real estate interests recommended a more limited approach to building inspections in which prior to disturbances, the building owner, abatement contractor, operator of the building, his employees, or a qualified inspector could perform a visual survey to identify suspect ACM (Exhibit 149). It recommended that "[I]n specifying the suspect materials that should be identified by an inspector, OSHA should limit the materials to those which present a reasonable likelihood of creating a significant risk to workers if they are disturbed \* \* \* i.e., friable surfacing materials, thermal system insulation, and resilient flooring materials."

Organization Resources Counselors, Inc. (ORC) expressed the view that every building owner should be required to develop an inventory of all ACM or assume all insulation in the building contains asbestos, have effective means to inform all occupants of its presence, and develop a written plan for dealing with its maintenance (Exhibit 145).

This review indicates wide acceptance of requirements to assure advance knowledge of ACM in buildings in order to protect exposed employees. OSHA agrees that such provisions are called for. It intends to include in the final revisions of the asbestos standards, provisions which will protect building/facility workers and other employees including those performing renovation work (e.g., drywallers, plumbers, sheet metal workers, carpenters, electricians) from unknowing exposure to asbestos in the course of their work.

*Request for Supplemental Comment Concerning Identifying Asbestos in Buildings/Facilities.*

OSHA agrees with most commentators that knowledge of the location, condition, and hazard potential of ACM is a rational predicate to employee protection. Unless employees know of the potential for asbestos exposure they cannot participate in protective control strategies, such as work practices and wearing of protective clothing. Similarly, unless employers, who are responsible for implementing control strategies, know of the location and hazard potential of ACM, they can provide neither protective equipment or training, nor enforce work rules which protect employees.

OSHA has worked closely with the Environmental Protection Agency (EPA) in formulating a number of regulatory options to insure that workers do not become exposed to asbestos unknowingly. For example, one alternative to be considered is to clarify in the preamble to the final rule the current enforcement policy that a prudent building/facility owner or other employer is expected to identify certain asbestos-containing materials in his/her building/facility before disturbing them. Additional options presented to the Agency during the rulemaking process will also be considered. The Agency is now presenting for comment another specific regulatory option, consistent with public comment received, aimed at protecting workers against inadvertent exposure to asbestos in buildings.

OSHA anticipates that the following approach will insure more uniformly that workers in public and commercial



buildings will not be unknowingly exposed to ACM. Such a rule would require that certain high-risk materials in accessible building/facility areas be designated presumptive asbestos-containing material (PACM), and thus be treated as if they contain asbestos. OSHA is considering limiting this list to thermal system insulation and sprayed-on or troweled-on surfacing material. Although the condition of the material influences its risk potential, at present, OSHA does not intend to distinguish materials based on their friability.

The rule would also allow the building/facility owner or employer to demonstrate, pursuant to specific criteria, that the material does not contain asbestos. Once assumed to be asbestos under this standard, the material must be treated as if it is asbestos-containing for all purposes of the standard. Because the building/facility owner is the best source of information about the location, condition, and composition of most installed building materials, and is often the employer of potentially exposed employees, this proposed approach would require the owner to assess and communicate the location of building/facility areas containing such "presumptive" asbestos-containing materials. Rebutting the designation of "presumptive" ACM (PACM) would be allowed pursuant to regulatory criteria such as sampling and analysis by a certified building inspector, or specific information in the building/facility owner's possession relating to construction specifications.

OSHA believes that the major advantages of such a regulatory approach is that the materials and buildings/facilities with the greatest risk potential would be automatically targeted for mandatory communication and control procedures, and possible testing. Focusing on high-risk building/facility situations would avoid the dilution of resources and attention which may result from requiring broader inspection. Other building/facility areas and material would not necessarily be exempt from the standard's control requirements; however, they would not be presumptively considered to contain asbestos. The current enforcement rules governing "employer knowledge" would be applied in a contested case to determine the application of the asbestos standard to other material or building/facility areas which the employer claims he did not know contained asbestos.

If the Agency determines to adopt the approach described above, OSHA will rely on evidence in the rulemaking

record to designate potentially high hazard asbestos-containing areas in buildings/facilities in the standard as containing PACM. The Agency expects that requiring the identification of presumptively high hazard materials will be as protective as either of the other, broader identification approaches; full inspection and identify-before-disturb. One reason is that an increasing proportion of the building stock is being inspected for ACM as a result of NESHAP (National Emission Standards Hazardous Air Pollutants, 40 CFR part 61), state and local regulations, and forces in the real estate market.

OSHA believes that the presumptive approach would allow building/facility owners whose buildings/facilities contain PACM and other employers of employees potentially exposed to PACM flexibility to choose the most cost-effective way to protect employees. They may: (1) Treat the material as if it contains asbestos and provide appropriate required training to the custodial staff, and other potentially exposed employees performing renovation, repair, and installation activities which may disturb PACM, communicate the fact that the material is designated PACM under the communication provisions of the standard and comply with all other provisions of the standard applying to asbestos containing material; or (2) sample the material pursuant to a protocol in the standard, or otherwise determined from adequate (as defined in the standard) building/facility records that the insulation or surfacing materials used in the building/facility does not contain asbestos.

OSHA notes that while the above regulatory approach is neither an up-front inspection rule, nor precisely an identify-before-disturb rule, the identification approaches most recommended by participants, the Agency has not ruled out these approaches and remains interested in comment and data concerning their effectiveness in protecting employees from unknowing exposure to asbestos in buildings/facilities.

#### Specific Issues on Which Supplementary Comment and Data are Requested

OSHA now is requesting comments on the above regulatory approach to protecting employees from unknowing exposure to asbestos.

##### 1. Presumed Asbestos-Containing Materials

In particular OSHA requests comment on the scope of the list of PACM. At present, OSHA intends to limit the list to high-risk, wide prevalence materials,

such as thermal system insulation and sprayed-on or troweled-on surfacing materials. Such materials would be considered to be PACM if they were present in buildings/facilities found by OSHA to be constructed when such materials commonly contained asbestos. For example, the owner of a building constructed between 1920 and 1980 which contains thermal system insulation and/or sprayed-on or troweled-on surfacing material, must presume this material contains asbestos. OSHA solicits any pertinent information and/or comment on this point, including the kinds of materials which present higher risks to employees in buildings/facilities, the kinds of buildings/facilities, building/facility areas where these materials are likely to be contained, and the dates such materials are likely to have been installed. OSHA also wishes to receive comments on the appropriate protocol to be used for bulk sampling of building materials for the presence of asbestos.

##### 2. Adequacy of Building Records

OSHA requests comment on the issue of allowing building/facility owners to rely on building/facility records to rebut the presumption that building material contains asbestos. The Agency also solicits comment as to what is to be considered "adequate buildings record."

##### 3. Notification

What kind of notification will sufficiently warn employees and other employers of the presence of PACM? Should labels be required? On-site signs? Posting in elevators? Should materials designated as PACM, if un rebutted as to content, be treated as asbestos for all purposes of the standard? How can outside contractors and their employees be informed about the presence of PACM?

##### 4. Exposure Data

OSHA has identified three studies presently in the docket which provide limited data on the exposure of workers performing "small-scale, short duration operations"/maintenance jobs in asbestos-containing buildings. These are briefly described. (1) The study of Paik *et al*, 1982 (Exhibit 84-204) in which worker exposures to airborne asbestos during renovation activity and removal of sprayed-on ACM was measured presented the results of 184 personal samples of workers in trades such as electricians, carpenters, and sheet metal workers. The overall unweighted PCM measurements had an arithmetic average of 0.38 f/cc. These measurements were made during a



period in which the OSHA PEL for asbestos was 2.0 f/cc as an 8 hour time-weighted average. (2) The second is a study by Kaselaan and D'Angelo which was prepared for the Real Estate's Environmental Action League. (Exhibit 123) in which the airborne asbestos exposure of personnel involved in asbestos disturbance associated with normal building operation and maintenance activities was measured. These measurements were made during the period in which the OSHA PEL for asbestos was 0.2 f/cc. The arithmetic mean of 49 personal samples taken in 5 buildings was 0.16 f/cc with no time weighting. (3) The third study was by B. Price for the Safe Buildings Alliance (Exhibit 151). Monitoring data were compiled representing a variety of "small-scale, short duration activities" from a number of sources. The study included 1,227 samples, 85% of which were personal and 15% were area samples. The results were weighted for sampling time and had a median airborne asbestos concentration of 0.014 f/cc and a weighted average of 0.046 f/cc. Similar exposure data for building custodians is not currently available to OSHA. Therefore, the Agency particularly solicits the submission of additional exposure data for these operations.

#### 5. Frequency and Duration of Custodial Activities

OSHA also solicits data or comment on the types, frequency, and duration of maintenance and housekeeping tasks performed by custodians, janitors, and other service workers. To what extent is custodial work contracted out to specialists? Does the presence of asbestos in the building/facility influence the decision to use contractors for routine maintenance and housekeeping tasks?

#### 6. Current Practices

OSHA also seeks data on the range of asbestos among the janitorial and maintenance workforce and the extent of current application of control technologies to minimize exposures. Are employees wearing respirators, coveralls, or other types of personal protective equipment while performing these tasks, or are other forms of controls, such as wet mopping or HEPA vacuuming, being applied?

#### 7. Training Requirements

Comment on the specific minimum training needed by building/facility custodians is requested. OSHA is considering a training requirement modelled after that of the awareness training required by EPA in its AHERA

rule. OSHA further notes that in its training requirements under AHERA, EPA distinguishes between the duties and training of custodial workers and the additional duties and training needs of maintenance and service workers (40 CFR part 763). OSHA, too, believes that building/facility workers, who frequently disturb asbestos-containing material need more extensive training. Comment on this issue is solicited. Moreover, OSHA is aware that EPA is currently revising its Model Accreditation Plan as mandated by Congress to extend accreditation requirements to include certain persons performing asbestos-related work in public and commercial buildings/facilities and to increase the minimum number of training hours required for accreditation (55 FR 20438, May 13, 1992). In that revision, EPA is considering what accreditation or training is required as a qualification to make a presumptive decision on the presence of ACM. OSHA requests comment on the qualifications and training needed to make this decision.

#### 8. Application to Shipyard Activities

As stated in the 1990 proposal, OSHA is considering issuing a separate asbestos standard for shipyards which would be specific for shipyard activities and contain provisions based in large part on the construction standard. Therefore, OSHA is also considering applying the provisions described in this notice to shipyards. Comment on this issue is invited.

#### Impacts of Proposed PACM Notification Approach

A. Currently, OSHA's estimates of the impacts of this approach are based mostly on data placed in the record subsequent to the close of the post-hearing comment and briefing periods. Based on survey data from the EPA and the Department of Energy (Exhibits 1-246, 1-362, 1-363), OSHA estimates that of approximately 4.9 million public and commercial buildings in the United States, 1.2 million buildings fail the age or material criteria: That is, they either were built prior to 1920 or after 1980, or they do not contain thermal system insulation or sprayed-on or troweled-on surfacing material. Subtracting these buildings from the total, OSHA estimates that 3.7 million buildings meet the age/materials criteria.

OSHA further estimates that of these 3.7 million buildings with presumed asbestos containing materials (PACM), 10%, or 370,000 buildings, have records to prove the buildings are free of asbestos. Under the regulatory approach being considered by OSHA, the

remaining 3.3 million buildings would need to take additional protective action prescribed by the asbestos construction standard.

OSHA estimates that approximately 2.0 million service workers would be at risk on these public and commercial buildings. Based on survey data from EPA and DOE, OSHA estimates that about 450,000 buildings have damaged, friable PACM and pose the greatest risk to workers. OSHA requests comment on these estimates of the number of affected public and commercial buildings, and the number of workers at risk. OSHA welcomes data, information, and comment on the profile presented above and on topics related to risks of asbestos exposure to service workers in public and commercial buildings. OSHA also wishes information on whether contract workers performing maintenance and repair operations in buildings are also at risk because of lack of information about asbestos-containing materials in such buildings.

B. OSHA wants to assure that the public understands what has to be done to meet all federal inspection and notification regulatory requirements, and how this approach would fit into the existing framework. Assuming OSHA's current notification proposal and the assumption/sampling approach outlined here become final, the following are the regulatory requirements that would have to be met:

For relatively large disturbances of material that might contain asbestos during renovation or demolition activities (greater than the National Emissions Standard for Hazardous Air Pollutants (NESHAP) limits of 160 square feet or 260 linear feet), all asbestos materials would have to be identified before work began (NESHAP) and all building employees who are in the vicinity would have to be notified (OSHA). It is important to note that the NESHAP requirements are cumulative for the year. Specifically, if planned renovations exceed or are expected to exceed the NESHAP threshold for the year, the NESHAP inspection requirement will apply to all such renovations, even if they are individually below the threshold.

For smaller jobs, thermal system insulation and surfacing material would have to be explicitly identified (either assumed or sampled) before work began. The same OSHA worker notification requirements as above would apply. For other asbestos materials, OSHA requires that employees be appropriately protected through the establishment of a regulated area whenever removal, maintenance,



demolition, and renovation operations disturb these materials. However no explicit assumption or sampling is required for these materials (i.e., materials that are not thermal system insulation or surfacing material) if the job size does not exceed the NESHAP annual threshold of 160 square or 260 linear feet.

#### Request for Comment on Late Submissions

After the close of the public post-hearing comment and briefing periods, various comments and evidence were submitted to the rulemaking record. OSHA invites comment on any such submissions. In particular, OSHA requests public comment on the report of the Health Effects Institute which was released shortly after the rulemaking record closed (Ex. 1-344). This is a congressionally mandated literature review whose purpose was " \* \* \* determining what is presently known, what is not known, and what is uncertain about the risks of exposure to asbestos in public buildings" (HEI Report, p. iii). The Agency also requests comment on the surveys cited in this report, which contain information concerning the prevalence of asbestos-containing materials in buildings/facilities.

Late post-hearing comments to Docket H033e commence at exhibit number 152; other submissions made to this docket after July 26, 1991, commence with exhibit 1-315.

#### Written Comments or Data

Evidence or comments already in the record or duplicative of what is already in the record should not be resubmitted. Comments and information concerning the issues discussed above and the materials submitted after the close of the record must be received or postmarked no later than January 4, 1993. All submissions should be sent in quadruplicate to the Docket Officer, Docket H-033e, room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (telephone (202) 523-7894), where the entire record is available for inspection and copying.

#### Authority

This document was prepared under the direction of Dorothy L. Strunk, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

It is issued under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's

Order No. 1-90 (55 FR 9033) and 29 CFR part 1911.

Signed at Washington, DC, this 29th day of October, 1992.

Dorothy L. Strunk,

Acting Assistant Secretary for Occupational Safety and Health.

[FR Doc. 92-26662 Filed 11-2-92; 8:45 am]

BILLING CODE 4510-26-M

## DEPARTMENT OF DEFENSE

### Defense Investigative Service

#### 32 CFR Part 321

[Defense Investigative Service Regulation 28-4]

#### Privacy Act; Access to and Maintenance of DIS Personal Records

**AGENCY:** Defense Investigative Service, DOD.

**ACTION:** Proposed rule.

**SUMMARY:** The Defense Investigative Service proposes to add an exemption rule to those found at 32 CFR part 321 in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed exemption rule is for a new proposed system of records, V9-01, entitled Litigation Case Files.

**DATES:** Comments must be received on or before December 3, 1992, to be considered by the agency.

**ADDRESSES:** Send comments to Chief, Office of Information and Public Affairs, Defense Investigative Service, 1900 Half St., SW, Washington, DC 20324-1700.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dale Hartig at (202) 475-1062.

**SUPPLEMENTARY INFORMATION:** Executive Order 12291. The Director, Administration and Management, Office of the Secretary of Defense has determined that this Privacy Act rule for the Department of Defense is not a major rule. Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and does not have a significant adverse effect on competition, employment, investment, productivity, or innovation.

Regulatory Flexibility Act of 1980. The Director, Administration and Management, Office of the Secretary of Defense certifies that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the

administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act. The Director, Administration and Management, Office of the Secretary of Defense certifies that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

#### List of Subjects in 32 CFR Part 321

Privacy.

Accordingly, the Defense Investigative Service proposes to add an exemption rule to existing exemption rules in 32 CFR part 321 as follows:

#### PART 321-DEFENSE INVESTIGATIVE SERVICE PRIVACY ACT PROGRAM

1. The authority citation for 32 CFR part 321 continues to read as follows:

Authority: Pub.L. 93-579, 88 Stat 1896 (5 U.S.C. 552a)

2. Section 321.14 is proposed to be amended by adding paragraph (h) as follows:

#### § 321.14 Exemptions.

\* \* \* \* \*

(h) *System identifier:* V9-01.

(1) *System name:* Litigation Case Files.

(2) *Exemption:* Any portion of this system that falls under the provisions of 5 U.S.C. 552a(k)(2) and (k)(5) may be exempt from the following subsections of 5 U.S.C. 552a: (d) and (e)(1).

(3) *Authority:* 5 U.S.C. 552a(k)(2) and (k)(5).

(4) *Reasons:* (i) Subsection (d) because granting individuals access to information relating to the preparation and conduct of litigation would impair the development and implementation of legal strategy. Accordingly, such records are exempt under the attorney-client privilege. Disclosure could compromise on-going investigations and reveal confidential informants. Granting access to the record would seriously impair DIS' ability to negotiate settlements or pursue other civil remedies. Amendment of the record is inappropriate because litigation files contain official records including transcripts, court orders, investigatory materials, evidentiary materials such as exhibits, decisional memoranda and other case related papers. Administrative due process could not be achieved by the ex parte correction of such materials.



(ii) Subsection (e)(1), because it is not possible in all instances to determine the relevancy or necessity of specific information in the early stages of case development. Material apparently relevant and necessary when collected, may ultimately be deemed unnecessary when assessed in the context of legal strategy. Information collected during civil litigation investigations which is not used during the subject case is often retained to provide leads in other cases or to establish patterns of activity.

Dated: October 28, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

[FR Doc. 92-26596 Filed 11-2-92; 8:45 am]

BILLING CODE 3810-01-F

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IL12-17-5504; FRL-4529-7]

### Approval and Promulgation of Implementation Plan; IL

**AGENCY:** Environmental Protection  
Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The United States Environmental Protection Agency (USEPA) promulgated the Chicago Federal Implementation Plan for ozone (FIP) on June 29, 1990. The FIP requires that certain sources perform tests to demonstrate compliance and that they certify compliance to USEPA by July 1, 1991. Those sources complying by means of an add-on control device are required to test the capture efficiency of each control system. USEPA is proposing to extend the date by which sources must certify the capture efficiency of each control system, from July 1, 1991, to July 1, 1993.

**DATES:** Comments on this requested revision to the FIP and on USEPA's proposed rulemaking action must be received by December 3, 1992 at the address below. A public hearing, if requested, will be held in Chicago, Illinois. Requests for a hearing should be submitted to J. Elmer Bortzer by December 3, 1992 at the address below. Interested persons may call Hattie Geisler at (312) 886-3199 to see if a hearing will be held and the date and location of any hearing. Any hearing will be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

**ADDRESSES:** Written comments on this proposed action should be addressed to

J. Elmer Bortzer, Chief, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Street, Chicago, Illinois 60604. Comments should be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

**DOCKET:** Pursuant to section 307(d)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7607(d)(1) (West 1983 & Supp. 1991), this action is subject to the procedural requirements of section 307(d). Therefore, USEPA has established a public docket for this action, 5AR-92-5, which is available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, at the following addresses. We recommend that you contact Randolph O. Cano at (312) 886-6036 before visiting the Chicago location and Gloris Butler before visiting the Washington, DC location. A reasonable fee may be charged for copying.

U.S. Environmental Protection Agency,  
Region 5, Regulation Development Branch,  
18th Floor, Southwest, 77 West Jackson  
Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency,  
Docket No. 5AR-92-5, Air Docket (LE-131),  
Room M1500, Waterside Mall, 401 M Street,  
S.W., Washington, D.C. 20460, (202) 245-  
3639.

#### FOR FURTHER INFORMATION CONTACT:

Steven Rosenthal, Regulation Development Branch, U.S. Environmental Protection Agency, Region 5, (312) 886-6052, and at the Chicago address indicated above.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On June 29, 1990, USEPA promulgated federal revisions to the rules for volatile organic compounds (VOCs) contained in the Illinois State Implementation Plan (SIP) for ozone (55 FR 26814). These revisions, which were promulgated pursuant to the settlement agreement in the matter of *Wisconsin v. Reilly*, No. 87-C-0395 (E.D. Wis., January 18, 1989), constitute the FIP for ozone for the Chicago metropolitan area, which includes Cook, DuPage, Kane, Lake, McHenry and Will counties (in Illinois). The FIP contains VOC regulations for several source categories, including coating operations, printing operations and major sources (100 tons per year and greater maximum theoretical emissions) of VOCs not covered by a Control Techniques Guideline<sup>1</sup> document.

<sup>1</sup> Control techniques guideline (CTG) documents have been prepared by USEPA to assist States in defining reasonably available control technology (RACT) for the control of VOC emissions from existing stationary sources. Each individual CTG

Section 52.741(a)(4) contains the test methods and procedures that must be used to determine compliance with the FIP. This paragraph specifies that the overall efficiency of an emission control system shall be determined as the product of the capture system efficiency and the control device efficiency or by the liquid/liquid test protocol.<sup>2</sup> This paragraph contains methods to determine control device efficiency [§ 52.741(a)(4)(iv)], capture efficiency [§ 52.741(a)(4)(iii)(B)], and the overall control of a system by use of the liquid/liquid method [§ 52.741(a)(4)(iii)(A)(2)]. Installation of a permanent total enclosure, which directs all VOCs to a control device [(a)(4)(iii)(A)(1)] and the liquid/liquid method are alternatives to the specific capture efficiency requirements in (a)(4)(iii)(B). Section 52.741(a)(4)(i) specifies the test methods and procedures used to determine compliance for coatings and inks.

#### A. Coating Operations

Section 52.741(e) contains the FIP rules for coating operations. This paragraph allows subject coating source to comply by the use of complying coatings or add-on control equipment; It specifies that compliance must be demonstrated by use of the test methods in § 52.741(a)(4). Section 52.741(e)(2)(ii) requires that any subject coating line, equipped with a capture system and control device, be operated in compliance with the requirements in paragraph (e)(2)(i)(A) or (e)(2)(i)(B). Paragraph (e)(2)(i)(A) requires that the coating line be equipped with a capture system and control device that provides 81 percent reduction in the overall emissions of VOCs from the coating line and also that the control device has a 90 percent efficiency. Paragraph (e)(2)(i)(B) requires that the system used to control VOCs from the coating line demonstrate an overall efficiency sufficient to limit VOC emissions to no more than what is allowed under paragraph (e)(1).

Section 52.741(e)(6) contains recordkeeping and reporting requirements and states that the records required under paragraph (e)(6) are to be based upon test methods in paragraph

recommends a presumptive norm of control considered reasonably available to a specific source category. Sources in categories for which no CTG exist are termed "non-CTG sources."

<sup>2</sup> The liquid/liquid protocol is based on a material balance in which the overall control of the system is determined by comparing the input liquid VOC to the recovered liquid VOC. This method is appropriate if a source uses a control device designed to collect and recover VOCs (e.g., carbon adsorber). This is in contrast to the gas-gas and liquid-gas methods in which fugitive (uncaptured) emissions are measured directly.



(a)(4). The owner or operator of a coating line subject to the emission limitations in paragraph (e) and complying by means of complying coatings is required to certify to the Administrator (of USEPA) by July 1, 1991, that the coating line will be in compliance with the coating limitations in paragraph (e)(1), by the use of complying coatings on and after July 1, 1991. The owner or operator of a coating line subject to the emission limitations in paragraph (e) and complying by means of add-on control is required to perform all tests and, by July 1, 1991, submit to the Administrator the results of all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with paragraph (e)(2) on and after July 1, 1991.

#### B. Printing and Publishing Operations

Section 52.741(h) contains the FIP rules for printing and publishing operations. Paragraph (h)(1) contains emission limitations for flexographic and rotogravure printing and allows compliance to be achieved by use of complying inks and coatings or by use of a capture system and control device. Compliance with paragraph (h)(1) must be demonstrated through the applicable coating or ink analysis test methods and procedures in paragraph (a)(4) or through the applicable capture system and control device test methods and procedures in paragraph (a)(4).

Paragraph (h)(1)(iii) requires that any subject flexographic, packaging rotogravure, or publication rotogravure printing line equipped with a capture system and control device have a control device efficiency of at least 90 percent. Overall emission reduction requirements are also specified in this paragraph. These overall reduction requirements are 75 percent for a publication rotogravure printing line, 65 percent for a packaging rotogravure printing line, and 60 percent for a flexographic printing line.

Section 52.741(h)(4) contains recordkeeping and reporting requirements for flexographic and rotogravure printing operations. This paragraph states that the records required under (h)(4) are to be based upon the test methods in paragraph (a)(4). The discussion of recordkeeping and certification requirements for coating sources [contained in the prior discussion of paragraph (e)(6)] applies to paragraph (h)(4).

Section 52.741(h)(5) contains the FIP rules for heatset-web-offset lithographic printing operations and specifies that subject heatset-web-offset printing lines must comply with the control requirements in either paragraph

(h)(5)(ii)(A) or (h)(5)(ii)(B). Paragraph (h)(5)(ii)(A) requires an afterburner control device efficiency of 90 percent on the dryer exhaust. Paragraph (h)(5)(ii)(B) contains a VOC content limitation and specifies a condensation control device efficiency of seventy-five percent for certain VOC emissions from the dryer exhaust.

Section 52.741(h)(5)(iii) contains the recordkeeping and reporting requirements for heatset-web-offset lithographic printing operations. This paragraph states that VOC contents and control device efficiencies are to be determined by the applicable test methods and procedures specified in paragraph (a)(4) to establish the records required under paragraph (h)(5)(iii). Paragraph (h)(5)(iv) requires that compliance with the control device efficiency limit in paragraph (h)(5)(ii)(A) or the VOC content and control device efficiency limits in paragraph (h)(5)(ii)(B) must be achieved by July 1, 1991. Paragraph (h)(5)(iii) requires that the owner or operator of a subject heatset-web-offset printing line must certify to the Administrator, by July 1, 1991; that the printing line is in compliance with paragraph (h)(5)(ii)(A) or (h)(5)(ii)(B).

#### C. Major non-CTG Operations

Sections 52.741(u), 52.741(v), 52.741(w), and 52.741(x), in the FIP contain control requirements for major non-CTG sources. Section 52.741(v), which covers miscellaneous formulation manufacturing processes, and § 52.741(w), which covers miscellaneous organic chemical manufacturing processes, require that compliance be achieved by emission capture and control techniques which achieve an overall reduction in uncontrolled VOC emissions of 81 percent or by an alternative control plan approved by USEPA as a State Implementation Plan (SIP) or FIP revision. Section 52.741(u), which covers miscellaneous fabricated product manufacturing processes, and § 52.741(x), which covers other emission sources, in addition to the above mentioned control alternatives, also allow compliance to be achieved by limiting the VOC content of coatings. Paragraphs (u), (v), (w), and (x), require that compliance be demonstrated by the applicable test methods and procedures specified in paragraph (a)(4).

Section 52.741(y) contains the recordkeeping and reporting requirements for the non-CTG source categories covered by paragraphs (u), (v), (w), and (x). Paragraph (y) requires that any owner or operator of a VOC emission source which is subject to the requirements of paragraph (u), (v), (w),

or (x) and complying by the use of emission capture and control equipment must, by July 1, 1991, perform all tests and submit to the Administrator the results of all tests and calculations necessary to demonstrate that the subject emission source will be in compliance on and after July, 1991. Paragraph (y) requires that any owner or operator of a coating line which is subject to the requirements of paragraphs (u) or (x) and complying by means of complying coatings must, by July 1, 1991, certify to the Administrator that the coating line will be in compliance on and after July 1, 1991.

#### II. USEPA Policy on Capture Efficiency

On March 20, 1992, John S. Seitz, Director, Office of Air Quality Planning and Standards, issued a memorandum entitled "Reanalysis of Capture Efficiency (CE) Guidance." This memorandum indicates that in light of comments received from the regulated community regarding the cost of the "gas-gas and liquid-gas methods [\* \* \* using] a temporary total enclosure (TTE)", (a structure that captures the fugitive VOC emissions and allows them to be measured) and of the President's recent directive to review Federal regulations for ways to minimize their cost to industry, USEPA is undertaking a 12-month study to develop and review less costly alternatives to the TTE method.

This policy memorandum states that for areas in which USEPA's CE test methods have been incorporated into the SIP (including the FIP), USEPA's recommended methods are valid and enforceable and should be used to determine CE where noncompliance is suspected. This memorandum states USEPA's intent to revise the FIP to suspend the date for the initial compliance certification of a control system's capture efficiency. Sources that are controlled by incinerators and that would have to perform CE testing with a TTE would not be required to perform CE testing, as part of their compliance certification, until July 1, 1993. This temporary suspension does not apply to initial compliance determinations where other methods can be used, such as Method 24 testing for VOC content of coatings or the liquid-liquid balance method for carbon adsorbers (test methods that do not require measurement of CE). This temporary suspension also does not have any effect on the date by which the efficiency of a control device must be determined.



### III. Proposed Rulemaking Action and Solicitation of Public Comment

For the reasons stated above, USEPA is proposing to extend the date by which capture efficiency testing must be performed and submitted to USEPA. The date by which certification of capture efficiency test results is due to USEPA is being proposed for extension from July 1, 1991, to July 1, 1993. As stated previously, this extension does not extend the initial certification (of compliance) date for control device efficiency testing and it also does not extend the initial certification date for sources which choose to comply by use of complying coatings and/or inks or by use of a recovery device (e.g., a carbon adsorber). Furthermore, the control device efficiency shall be no less than the required overall control system efficiency in those cases in which there is not an independent control device efficiency requirement. This conservatively gives credit for 100 percent CE.

USEPA has received site-specific requests for alternative CE test methods. Since USEPA is currently re-evaluating the CE test method, as set forth in the FIP, USEPA will defer action on these requests until such time as the USEPA completes its study.

Public comment is solicited on USEPA's proposed rulemaking action. Additionally, if requested, USEPA will provide an opportunity for a public hearing on this proposed revision. All comments received by the close of the public comment period will be considered in the development of USEPA's final rule.

Under 5 U.S.C. section 605(b), I certify that this rule, if finally adopted, will not have a significant impact on a substantial number of small entities. It delays the existing compliance date and it imposes no additional requirements. Under Executive Order 12291, today's action is not "major." It has been submitted to the Office of Management and Budget for review.

#### List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Hydrocarbons, Ozone.

Authority: 42 U.S.C. Sections 7401-7671(q).

Dated: October 26, 1992.

William K. Reilly,  
Administrator.

For the reasons set out in the preamble part 52, title 40 of the Code of Federal Regulation is amended as follows:

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

#### Subpart 0—Illinois

2. Section 52.741 is amended by revising paragraphs (e)(6)(iv)(A), (h)(4)(iv)(A), and (y)(2)(i)(A).

§ 52.741 Control strategy: Ozone control measures for Cook, DuPage, Kane, Lake, McHenry, and William Counties.

(e) \* \* \*  
(6) \* \* \*  
(iv) \* \* \*

(A) By July 1, 1991, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from paragraph (e)(1)(i) or (ii) to paragraph (e)(2) of this section; the owner or operator of the subject coating line shall perform all tests, except the capture efficiency tests contained in paragraph (a)(4)(iii)(B) of this section, and submit to the Administrator the results of all tests and calculations, except those dealing with a determination of capture efficiency by the methods in paragraph (a)(4)(iii)(B) of this section, necessary to demonstrate that the subject coating line will be in compliance with paragraph (e)(2) of this section on and after July 1, 1991, or on and after the initial start-up date. The owner or operator shall perform the capture efficiency tests in accordance with paragraph (a)(4)(iii)(B) of this section and submit the test results to the Administrator by July 1, 1993. The owner or operator must submit the results of the following tests to the Administrator, and comply with the following requirements, by July 1, 1991:

(1) Control device efficiency is required, unless the owner or operator of a subject coating line, which is controlled by a recovery device, demonstrates compliance with paragraph (e)(2)(i)(B) of this section by the liquid/liquid method in paragraph (a)(4)(iii)(2) of this section.

(i) If this owner or operator chooses to comply with paragraph (e)(2) of this section by means of the control requirements in paragraph (e)(2)(i)(A) of this section, then the control device must have a minimum of 90 percent efficiency in the removal of VOCs.

(ii) If this owner or operator chooses to comply by means of the control requirements in paragraph (e)(2)(i)(B) of this section then all tests and calculations necessary to calculate the overall efficiency required must be

submitted to the Administrator. In addition, for sources complying with paragraph (e)(2)(i)(B) of this section by a control device other than a recovery system, the control device efficiency must, as a minimum, equal the overall efficiency required.

(2) The results of all tests and calculations necessary to demonstrate compliance with paragraph (e)(2) of this section by the liquid/liquid method in paragraph (a)(4)(iii)(2) of this section must be submitted to the Administrator if the coating line is controlled by a recovery device (including a carbon adsorber), unless the owner or operator chooses to install a permanent total enclosure (PTE) that meets USEPA specifications, in Procedure T of appendix B of this section, and demonstrates compliance with a control device efficiency test instead of a liquid/liquid test.

(h) \* \* \*  
(4) \* \* \*  
(iv) \* \* \*

(A) By July 1, 1991, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from paragraph (h)(1)(i) or (ii) of this section to paragraph (h)(1)(iii) of this section, the owner or operator shall perform all tests, except the capture efficiency tests contained in paragraph (a)(4)(iii)(B) of this section, and submit to the Administrator the results of all tests and calculations, except those dealing with a determination of capture efficiency by the methods in paragraph (a)(4)(iii)(B) of this section, necessary to demonstrate that the subject printing line will be in compliance with paragraph (h)(1)(iii) of this section on and after July 1, 1991, or on and after the initial start-up date. The owner or operator shall perform the capture efficiency tests in accordance with paragraph (a)(4)(iii)(B) of this section, and submit the test results to the Administrator by July 1, 1993. The owner or operator must submit the results of the following tests to the Administrator, and comply with the following requirements, by July 1, 1991:

(1) Control device efficiency tests are required to determine compliance with paragraph (h)(1)(iii)(A), (B), or (C) of this section.

(2) The results of all tests and calculations necessary to demonstrate compliance with paragraph (h)(1)(iii)(D) of this section by the liquid/liquid method in paragraph (a)(4)(iii)(2) of this section must be submitted to the Administrator if the coating line is controlled by a recovery device unless the owner or operator chooses to install



a PTE that meets USEPA specifications, in Procedure T of Appendix B of this section, and demonstrates compliance with a control device efficiency test instead of a liquid/liquid test.

- (y) \* \* \*  
(2) \* \* \*  
(i) \* \* \*

(A) By July 1, 1991, or upon initial start-up of a new emission source, the owner or operator of the subject VOC emission source shall perform all tests, except the capture efficiency tests contained in paragraph (a)(4)(iii)(B) of this section, and submit to the Administrator the results of all tests and calculations, except those dealing with a determination of capture efficiency by the methods in paragraph (a)(4)(iii)(B) of this section, necessary to demonstrate that the subject emission source will be in compliance on and after July 1, 1991, or on and after the initial start-up date. The owner or operator shall perform the capture efficiency tests in accordance with paragraph (a)(4)(iii)(B) of this section, and submit the test results to the Administrator by July 1, 1993. The owner or operator must submit the results of the following tests to the Administrator, and comply with the following requirements, by July 1, 1991:

(1) Control device efficiency tests are required and a minimum control device efficiency of 81 percent is required unless the subject VOC emission source is controlled by a recovery device.

(2) the results of all tests and calculations necessary to demonstrate compliance with paragraphs (u)(3)(i), (v)(3)(i), (w)(3)(i), or (x)(3)(i) of this section by the liquid/liquid method in paragraph (a)(4)(iii)(2) of this section must be submitted to the Administrator if the subject source is controlled by a recovery device unless the owner or operator chooses to install a PTE that meets USEPA specifications, in Procedure T of appendix B of this section, and demonstrates compliance with a control device efficiency test instead of a liquid/liquid test.

[FR Doc. 92-28658 Filed 11-2-92; 8:45 am]

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## FEDERAL MARITIME COMMISSION

46 CFR Parts 514 and 581

[Docket No. 92-31]

### Service Contracts

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Federal Maritime Commission ("Commission" or "FMC") is proposing to amend its service contract and ATFI rules to refine its definition of a "shippers' association." The proposed rule provides that any group of shippers shall be deemed to be such an association for the purpose of negotiating service contracts and volume rates if the group meets certain minimal requirements. The purpose of this Notice is to solicit comments and information from the public on the desirability and feasibility of such a rule.

**DATES:** Comments due December 3, 1992.

**ADDRESSES:** Comments (original and 15 copies) are to be submitted to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5725.

**FOR FURTHER INFORMATION CONTACT:** Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5740.

**SUPPLEMENTARY INFORMATION:** The Commission initiated this proceeding by Advance Notice of Proposed Rulemaking ("ANPR") published in the *Federal Register*, 57 FR 24220. The ANPR stated that the Commission was considering the publication of a proposed rule ("Proposal") that would allow two or more shippers to enter into a service contract with an ocean common carrier, or conference of such carriers, regardless of whether the shippers were members of a shippers' association. The Commission also identified six specific issues upon which it sought comment.

The Commission received comments in response to the ANPR from: (1) Household Goods Forwarders Association of America, Inc. ("HHGFAA"); (2) New York Foreign Freight Forwarders and Brokers Association ("NYFFFBA"); (3) International Association of NVOCCs ("IANVOCC"); (4) Votainer USA Inc.; (5) National Industrial Transportation League ("NITL"); (6) Hiram Walker & Sons, Inc.; (7) American Institute for Shippers' Associations, Inc. ("AISA"); (8) American Import Shippers Association ("Import SA"); (9) Streamline Shippers Association, Inc.; (10) Fashion Accessories Shippers' Association, Inc. ("FASA"); (11) Hyundai Merchant Marine Co., Ltd.; (12) Hanjin Shipping Co., Ltd.; (13) a group of 15 South/Central American Conferences<sup>1</sup> ("South/Central

<sup>1</sup> Venezuelan American Maritime Association; Atlantic and Gulf/West Coast South America

American Conferences"); (14) a group of 9 conferences of ocean common carriers<sup>2</sup> ("COCC"); (15) North Europe—USA Rate Agreement and USA—North Europe Rate Agreement ("NEC"); (16) Trans-Pacific Freight Conference of Japan and Japan-Atlantic and Gulf Freight Conference ("Japan Conferences"); (17) Inter/American Freight Conference ("IAFC"); and (18) Transpacific Westbound Rate Agreement ("TWRA").

### Comments

HHGFAA and NITL support issuance of a proposed rule that would permit two or more unaffiliated shippers to enter into a service contract even though they are not members of a shippers' association. HHGFAA suggests that NVOCCs should be permitted to obtain the same consolidation advantages they already achieve by being able to pool their shipment requirements under service contracts, thereby achieving the lowest ocean freight rates. NITL likewise supports publication of a proposed rule. It contends that joint service contracts would increase the opportunities for shippers to participate in the world marketplace and to accommodate changing transportation needs. However, NITL also notes that it fully supports the application of the antitrust laws to ocean transportation transactions. NITL surmises that most joint contracts would not violate such laws.

The remaining commenters urge discontinuance of this proceeding. They generally argue that the Proposal is outside the Commission's legal authority and contrary to the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1701-1719. Commenters also take the position that the 1984 Act's definition of "shippers'

Conference; United States/Central America Liner Association; Central America Discussion Agreement; United States Atlantic & Gulf/Hispaniola Steamship Freight Association; Hispaniola Discussion Agreement; United States Atlantic Gulf/Southeastern Caribbean Steamship Freight Association; Southeastern Caribbean Discussion Agreement; Jamaica Discussion Agreement; United States/Panama Freight Association; PANAM Discussion Agreement; Puerto Rico/Caribbean Discussion Agreement; Caribbean and Central American Discussion Agreement; Ecuador Discussion Agreement; and United States Atlantic and Gulf/Ecuador Freight Association.

<sup>2</sup> Asia North America Eastbound Rate Agreement; Israel Trade Conference; Mediterranean North Pacific Coast Freight Conference; South Europe/U.S.A. Freight Conference; U.S. Atlantic and Gulf/Australia-New Zealand Conference; United States Atlantic and Gulf Ports/Eastern Mediterranean and North African Freight Conference; U.S. Atlantic and Gulf/Western Mediterranean Rate Agreement; United States/East Africa Conference; and United States/Southern Africa Conference.



association" as "a group of shippers that consolidates \* \* \* freight \* \* \* to secure \* \* \* service contracts," indicates that this was the means contemplated by Congress for groups of shippers to secure service contracts. They submit that Congress gave statutory recognition to shippers' association for the express purpose of enabling groups of shippers to negotiate collectively. It is suggested, by some, that the Proposal would result in the demise of the international shippers' association industry.

Some commenters maintain that shippers' associations are easily formed and operated. They note that the definition of shippers' association does not establish any onerous preconditions and that the only prerequisite is that the group operate on a non-profit basis. In this regard, Import SA notes that, as a result of Commission interpretations, shippers, associations are not required to physically consolidate cargo.

IAFC and TWRA submit that joint service contracts by multiple shippers could raise antitrust concerns, especially if shippers are competitors. TWRA further suggests that competing shippers of the same product may be unwilling to share service contracts and access to their commercial information. FASA notes that the Department of Justice has set out antitrust "safe harbor" standards for shippers' associations. These standards are said to imply an organization charged with administering the group's activities to avoid anticompetitive effects.

#### Discussion

While other approaches have been suggested for permitting shippers to band together to enter into service contracts and negotiate volume rates with carriers and conferences, the Commission believes that this objective can best be accomplished by clarifying that it is relatively simple for multiple shippers desiring to enter into joint contracts to do so by forming and operating a shippers' association. There are no onerous statutory preconditions to the formation of such an entity and the Commission has not adopted any. In fact, since the 1984 Act became effective, the Commission has resisted attempts by carriers or conferences to impose restrictions or conditions on shippers' associations. This appears to have resulted in the rise of a large number of rate-negotiator shippers' associations that do not actually physically consolidate cargo but rather simply negotiate service contracts for their members.

A group of shippers desiring to operate as a shippers' association does

not have to structure itself in any particular way. Although the non-profit corporation appears to be the most prevalent organizational structure, there is nothing that precludes other forms of organizations. The only requirement that the Commission has imposed is that any group of shippers operates consistent with the definition of "shippers' association" contained in the 1984 Act — *i.e.*, on a nonprofit basis, consolidating or distributing the freight of the members, and securing volume rates or service contracts.

In an effort to clarify the scope and status of shippers' associations, the Commission is therefore proposing an amendment to the definition of "shippers' association" contained in its service contract and ATFI rules. This proposed rule provides that combinations of two or more shippers will be deemed to be a shippers' association if they operate as such and pursuant to an agreement providing who can execute service contracts on their behalf and providing for the apportionment of liability among themselves. The apportionment of liability is a matter which may be addressed in negotiations with the carrier or conference and need not be finally determined prior to the execution of the contract. In this event, the agreement among the shippers would need to so provide.

This proposal will permit multiple shippers, desirous of entering into joint service contracts, the freedom to do so subject to minimal, non-burdensome requirements. Such associations between or among shippers will remain subject to antitrust laws. As the Commission has determined in the past, however, carriers or conferences may not require from the association a business review letter from a government antitrust agency as a condition to negotiating or agreeing to a volume rate or service contract. See 46 CFR 571.1; Docket No. 88-17, Interpretations and Statements of Policy, 24 S.R.R. 1368 (1988).

Although the Commission, as an independent regulatory agency, is not subject to Executive Order 12291, dated February 17, 1981, it nonetheless has reviewed the proposed rule in terms of this Order and has determined that the rule, if adopted, is not a "major rule" as defined because it will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovations, or

on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Commission certifies that the proposed rule will not, if adopted, have a significant economic impact on a substantial number of small entities, including small businesses, small organization units and small governmental jurisdictions. The proposed rule essentially codifies the Commission's treatment of shippers' associations under the 1984 Act. To the extent that the proposal has any new economic impact on small entities, it could increase their opportunities to operate pursuant to shippers' associations and, as a result, lower their transportation costs.

#### List of Subjects

##### 46 CFR Part 514

Barges, Cargo, Cargo vessels, Exports, Fees and user charges, Freight, Harbors, Imports, Maritime carriers, Motor carriers, Ports, Rates and fares, Reporting and recordkeeping requirements, Surety bonds, Trucks, Water carriers, Waterfront facilities, Water transportation.

##### 46 CFR Part 581

Freight, Maritime carriers, Rates, Reporting and recordkeeping requirements.

Therefore, pursuant to 5 U.S.C. 552, 553; 31 U.S.C. 9701; 46 U.S.C. app. 804, 812, 814-817(a), 820, 833a, 841a, 844, 845, 845a, 845b, 847, 1702-1709, 1712, 1714-1716, 1718 and 1722; and section 2(b) of Public Law 101-92, 103 Stat. 601, the Federal Maritime Commission proposes to amend title 46, Code of Federal Regulations, parts 514 and 581 as follows.

#### PART 514—[AMENDED]

1. The authority citation for part 514 continues to read as follows:

Authority: 5 U.S.C. 552 and 553; 31 U.S.C. 9701; 46 U.S.C. app. 804, 812, 814-817(a), 820, 833a, 841a, 843, 844, 845, 845a, 845b, 847, 1702-1712, 1714-1718, 1718, 1721 and 1722; and sec. 2(b) of Pub. L. 101-92, 103 Stat. 601.

2. In § 514.2, revise the definition of "Shippers Association" to read as follows:

##### § 514.2 Definitions.

\* \* \* \* \*  
*Shippers' Association (foreign commerce)* means a group of shippers that consolidates or distributes freight on a nonprofit basis for the members of the group in order to secure carload, truckload, or other volume rates or



service contracts. A combination of two or more shippers will be deemed to be a shippers' association if they are parties to an agreement that, at a minimum, provides:

- (1) That the combination will operate consistent with the preceding definition;
- (2) Which parties have the authority to execute a service contract on behalf of the combination; and
- (3) Whether liability is apportioned among the combination members.

For the purposes of this definition, the term "consolidates" does not require physical handling of freight and does not include aggregating cargo volumes from different shippers for the sole purpose of negotiating a volume rate or service contract. The term "nonprofit basis" does not require the shippers to obtain nonprofit status from the Internal Revenue Service or any other government agency, nor does it mean the shippers may not benefit from the association; it simply requires that the association itself not be a profit-making enterprise.

#### PART 581—[AMENDED]

1. The authority citation for part 581 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1702, 1706, 1709, 1712, 1714-1716, 1718 and 1722.

2. Paragraph (r) of § 581.1 is revised to read as follows:

#### § 581.1 Definitions.

(r) *Shippers' association* means a group of shippers that consolidates or distributes freight on a nonprofit basis for the members of the group in order to secure carload, truckload, or other volume rates or service contracts. A combination of two or more shippers will be deemed to be a shippers' association if they are parties to an agreement that, at a minimum, provides:

- (1) That the combination will operate consistent with the preceding definition;
- (2) Which parties have the authority to execute a service contract on behalf of the combination; and
- (3) Whether liability is apportioned among the combination members.

For the purposes of this definition, the term "consolidates" does not require physical handling of freight and does not include aggregating cargo volumes from different shippers for the sole purpose of negotiating a volume rate or service contract. The term "nonprofit basis" does not require the shippers to obtain nonprofit status from the Internal Revenue Service or any other government agency, nor does it mean the shippers may not benefit from the

association; it simply requires that the association itself not be a profit-making enterprise.

By the Commission.

Joseph C. Polking,  
Secretary.

[FR Doc. 92-26579 Filed 11-2-92; 8:45 am]

BILLING CODE 6730-01-M

#### 46 CFR Parts 560 and 572

[Docket No. 92-33]

#### Marine Terminal Facilities Agreements—Exemption

AGENCY: Federal Maritime Commission.

ACTION: Supplemental notice of proposed rulemaking.

**SUMMARY:** The Federal Maritime Commission proposes to revise the notice of proposed rulemaking published in this proceeding by unconditionally exempting marine terminal facilities agreements among marine terminal operators and between marine terminal operators and common carriers by water from the agreement filing and notice requirements of the Shipping Act, 1916 ("1916 Act"), and the Shipping Act of 1984 ("1984 Act"), and the Commission's implementing regulations thereunder, and by establishing a new public notice requirement.

**DATES:** Comments are due on or before December 3, 1992. Comments must be received at the Commission by the due date; the date of mailing will not be accepted as the date of filing in this proceeding.

**ADDRESSES:** Comments (original and 15 copies) are to be submitted to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5725.

**FOR FURTHER INFORMATION CONTACT:** Austin L. Schmitt, Director, Bureau of Trade Monitoring and Analysis, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5787.

**SUPPLEMENTARY INFORMATION:** The Federal Maritime Commission ("Commission" or "FMC"), in its notice of proposed rulemaking ("NPR") published in the *Federal Register* on June 10, 1992 (57 FR 24569), proposed to exempt marine terminal facilities agreements (leases, subleases, licenses, assignments, permits, etc. that convey the right to operate marine terminal facilities or property) from the current filing requirements contained in 46 CFR parts 560 and 572 under two conditions. First, information concerning the parties

involved, the facilities covered, and the effective date of the agreement would have to be published in the marine terminal tariffs filed with the Commission. Second, parties to the exempt agreements would be required to make copies of their active facilities agreements available to interested parties at a nominal copying cost.

The Commission now proposes to revise its NPR to grant terminal facilities agreements unconditional exemption from current filing and notice requirements, and to require marine terminal operators<sup>1</sup> ("MTOs") that are subject to Commission regulation to make copies of their currently effective terminal facilities agreements available to any and all interested parties for a reasonable copying and mailing fee.

This revised proposal is designed to relieve the industry of the administrative burden and associated costs of filing marine terminal facilities agreements with the Commission, and to allow the Commission to realize cost savings resulting from termination of the current process of reviewing, processing, and maintaining facilities agreements; noticing agreements in the *Federal Register*; and retrieving, copying, and providing copies of agreements.

#### Comments on the NPR

The Commission received comments on its June 10 NPR from: The American Association of Port Authorities ("AAPA"), American President Lines, Ltd. ("APL"), Master Contracting Stevedore Association of the Pacific Coast, Inc., Matson Navigation Company, National Association of Stevedores ("NAS"), North Europe Conferences,<sup>2</sup> Port of Portland, Puerto

<sup>1</sup> In its comments on the NPR, Matson Navigation Company questioned whether public port authorities were in fact marine terminal operators within the definition of the 1984 Act. The Commission addressed this issue in its September 1989 Section 18 Report on the Shipping Act of 1984 ("Section 18 Report"), where it stated:

Whatever approach is taken, the fact remains that public port authorities, whether or not they directly conduct terminal operations within their port, are "marine terminal operators" as defined by the 1984 Act because they are deemed to be "engaged . . . in the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier." This is so even when they lease those terminals to private terminal operators. So, in the case of US public ports, both the lessor (port authority) and lessee (private terminal operator) are viewed as "operators" of a given terminal. At 448-449.

<sup>2</sup> North Europe Conferences is the collective designation for the combination of (1) the USA-North Europe Rate Agreement, and (2) the North Europe-USA Rate Agreement.



Rico Maritime Shipping Authority ("PRMSA"), Sea-Land Service, Inc. ("Sea-Land"), Stevedoring Services of America, Inc. ("SSA"), Tampa Port Authority ("Tampa"), and the Department of Justice ("DOJ").

Several of the commenting parties raised concerns regarding the effect of the proposed exemption on the status of MTO antitrust immunity. In particular, the exemption's application to terminals that handle cargo in the domestic offshore trades was seen as problematic by at least four parties (Sea-Land, DOJ, PRMSA, and Tampa).

Several commenting parties also addressed various aspects of the proposed requirement for publication of information about terminal facilities agreements in MTO tariffs. They sought specific details concerning what had to be published, by whom, and when. The relationship between the proposed exemption for terminal facilities agreements and the recently issued rule on marine terminal service agreements<sup>3</sup> was the focus of several suggestions for revising the NPR. Finally, one commenter inquired whether the proposed exemption was optional and whether the current agreement processing system would continue to apply to those who decided not to avail themselves of the exemption.

## Discussion

The Commission has considered all of the comments received in response to the NPR, and has decided not to issue a final rule at this time but rather revise its proposal by eliminating the requirement that information on the exempt agreements be filed in MTO tariffs, and by expanding the exemption to cover notice requirements as well as filing requirements.<sup>4</sup> In addition, while

<sup>3</sup> In FMC Docket No. 91-20, Exemption of Certain Marine Terminal Arrangements, published on February 8, 1992 (57 FR 4578), the Commission exempted certain marine terminal service agreements from the filing requirements of the 1916 and 1984 Acts, codifying Commission policy that had been in effect for the previous 5 and ½ years. The Commission withdrew antitrust immunity from unfiled exempt agreements as a condition of the exemption, but did not require that parties to exempt agreements provide public notice of the existence or details of such agreements.

<sup>4</sup> Section 6(a) of the 1984 Act, 46 U.S.C. app. 1705(a), provides that within 7 days after an agreement is filed, the Commission shall transmit a notice of its filing to the Federal Register for publication.

Although the 1916 Act contains no statutory notice requirement similar to that found in section 6 of the 1984 Act, the Commission's rules at 46 CFR 560.601 state that agreements filed for approval under the 1916 Act, and not rejected pursuant to § 560.401, shall be noticed in the Federal Register.

the Commission has decided to retain the proposed requirement that MTOs make copies of currently effective terminal facilities agreements available to all requesting parties, the Commission is proposing to make that a separate requirement rather than a condition of the filing exemption.

The discussion below presents key comments on the NPR and addresses their relevance to the new proposal set forth in this further notice of proposed rulemaking ("FNPR").

### A. The Effect of the Exemption on Antitrust Immunity

Many of the parties who filed comments on the NPR noted that, because the proposed exemption would be granted under section 16 of the 1984 Act, 46 U.S.C. app. 1715, marine terminal facilities agreements subject to the 1984 Act would continue to enjoy immunity from U.S. antitrust laws as provided for in section 7(a)(1) of the 1984 Act, 46 U.S.C. app. 1706,<sup>5</sup> absent a Commission decision to the contrary.<sup>6</sup> Nevertheless,

<sup>5</sup> Section 7 of the 1984 Act provides, in pertinent part, that the antitrust laws do not apply to any agreement that has been filed under section 5 of the Act and is effective under section 5(d) or section 6, or is exempt under section 16 of the Act from any requirement of the Act.

Section 5 of the 1984 Act, 46 U.S.C. app. 1704, specifies the filing requirements for agreements and provides, in pertinent part, that a true copy of every agreement entered into with respect to an activity described in section 4 (a) or (b) of the Act shall be filed with the Commission, except agreements related to transportation performed within or between foreign countries and agreements among common carriers to establish, operate, or maintain a marine terminal in the United States.

Section 4(b) of the 1984 Act, 46 U.S.C. app. 1703, deals with marine terminal agreements within the scope of the 1984 Act and provides that the Act applies to agreements (to the extent the agreements involve ocean transportation in the foreign commerce of the United States) among marine terminal operators and among one or more ocean common carriers to—

(1) discuss, fix, or regulate rates or other conditions of service; and

(2) engage in exclusive, preferential, or cooperative working arrangements.

<sup>6</sup> In Docket No. 91-20, the Commission withheld 1984 Act antitrust immunity as a condition of a section 16 filing exemption. In doing so, the Commission relied on the legislative history of the 1984 Act, specifically an explanatory statement published in the Congressional Record at the request of the leadership of the House Judiciary and Merchant Marine and Fisheries committees to record "important changes" made as a result of certain compromises made by the two committees (Cong. Rec. H 8124 and 6125, October 6, 1983). The statement recites that the compromise resulted in a change in wording which "closely tracks that of section 35 of the Shipping Act of 1916," and that, "[t]he change permits the Commission to impose conditions upon such an exemption, including the partial or total removal of antitrust immunity for agreements or conduct that might be exempted from filing requirements."

The House version of section 16, representing the House committees' compromise, was accepted by the Senate without change (H. Rept. 99-600, p. 42).

several commenting parties requested that the Commission explicitly state that the proposed exemption was not conditioned on the withdrawal of antitrust immunity.

Sea-Land noted that while agreements subject to the 1984 Act would continue to be immunized from the antitrust laws, the effect of the exemption on terminal facilities used for domestic commerce activities under the 1916 Act and for "mixed" (i.e., both foreign and domestic) commerce was less clear. PRMSA stated that by virtue of section 7 of the 1984 Act, marine terminal facilities agreements would be exempt from antitrust laws "to the extent they involve foreign commerce only," thereby suggesting that any domestic offshore commerce activities in marine terminal facilities agreements would not retain antitrust immunity under the proposed exemption. PRMSA at 2. The implicit rationale underlying PRMSA's remarks would appear to be similar to that offered by DOJ:

The immunity provided for exempt agreements by the 1984 Act covers agreements only to the extent they "involve ocean transportation in the foreign commerce of the United States." 46 U.S.C. app. 1703(b). To the extent exempt MTO facilities agreements involve domestic commerce, the antitrust laws will apply. As a practical matter, then, exempted facilities agreements involving any domestic cargoes must comply with the antitrust laws. DOJ at 6.

Likewise, Tampa contended that a marine terminal facilities agreement involving operations by water in interstate commerce that was not filed with the Commission as a result of the proposed exemption, "would lose its antitrust immunity as there are no provisions in the 1916 Act similar to section 7 of the 1984 Act." Tampa at 5. Tampa recommended that the Commission's final rule emphasize this point, and include a reference to 46 CFR 560.301(b), under which optional filing is permitted.<sup>7</sup>

As to timing, NAS expressed the view that the NPR did not adequately address the question of when an unfiled agreement becomes legally effective, or when antitrust immunity attaches to such agreements. NAS observed that "[p]resumably, the legal effective date and the date of antitrust immunity are

<sup>7</sup> As a sub-group of the category "marine terminal agreement," marine terminal facilities agreements are exempt from the approval requirements of section 15 of the 1916 Act, 46 U.S.C. app. 814, pursuant to 46 CFR 560.307(e). However, if such an agreement is optionally filed pursuant to § 560.301(b), it would obtain antitrust immunity upon being approved by the Commission.



the same, or at least should be the same." NAS at 4.

Marine terminal facilities agreements pertaining to facilities that handle foreign cargo exclusively are subject to regulation under the 1984 Act, and can receive antitrust immunity under the provisions of section 7(a)(1) of the 1984 Act whether they are filed and become effective or are exempt from filing. Agreements subject to the 1916 Act, however, are not afforded antitrust immunity if exempted from the applicable filing requirements.<sup>8</sup> Therefore, under the proposed exemption, marine terminal facilities agreements covering facilities used for the handling of any domestic commerce will not obtain antitrust immunity for the domestic commerce portion unless such agreements are filed optionally as provided for in 46 CFR 560.301(b)<sup>9</sup> and subsequently approved by the Commission. The foreign portion of such agreements would obtain antitrust immunity pursuant to section 7(a)(1) of the 1984 Act. Marine terminal facilities agreements that previously were filed with and approved by the Commission under the 1916 Act will continue to retain antitrust immunity under the proposed filing exemption.

In response to NAS's concern about when antitrust immunity would attach to exempted terminal facilities agreements, the Commission notes that the legally effective date set forth in the text of the terminal facilities agreement is the date on which antitrust immunity will attach.

#### *B. Publication of Facilities Agreement Information in MTO Tariffs*

In its NPR, the Commission proposed that, as a condition of the filing exemption, MTOs would be required to publish certain basic information about their terminal facilities agreements in MTO tariffs filed with the Commission, i.e. (1) the names and business addresses of the parties to all such agreements, and subsequent amendments thereto, currently in effect to which the terminal operator is a party; (2) identification of the terminal facilities covered by each agreement and amendments thereto; and (3) the effective date for each marine terminal facilities agreement, and amendments thereto, currently in effect.

Comments on the proposed tariff publication requirement included requests for clarification on such issues as the timing of, extent of, and responsibility for publication of the required information. In addition, AAPA recommended that in lieu of publishing facilities information in MTO tariffs, the Commission should provide for an "information filing" with the Commission that would include the same information proposed to be placed in the tariff plus the name of contact persons from whom copies of the agreement can be obtained. AAPA suggested that the Commission could then publish that information in the *Federal Register* to alert the public to the existence of the agreement.

AAPA stated that many parties interested in terminal facilities agreements may not be interested in MTO tariffs and vice versa, and that "some public ports are required to adopt tariff modifications by complex ordinance procedures including separate publications and/or city council approval." AAPA at 3. APL, on the other hand, did not "consider the proposed rule's requirement for tariff identification of marine terminal facilities to be necessary." APL at 2: APL added, however, that the benefits of exemption from filing outweigh the burden of tariff identification.

The Commission has decided to eliminate what appears to be an unnecessary additional burden by removing the NPR's proposed tariff publication requirement. The Commission believes that the FNPR's proposal that all MTOs make copies of their marine terminal facilities agreement available to any and all requesting parties is sufficient to ensure that current standards of regulatory oversight are maintained.

#### *C. Making Copies of Facilities Agreements Available to the Public*

Although commenting parties responded positively to the NPR's proposed requirement that copies of MTO facilities agreements be made available to parties upon request, two additional measures were suggested. AAPA urged that the requirement that MTOs provide copies of their agreements to requesting parties for a "nominal copying fee" be revised to substitute the term "reasonable charge." AAPA said that a "reasonable charge," which includes labor, overhead, and mailing costs as well as the direct copying charge, would be more appropriate and in line with the costs currently charged by the Commission for document retrieval. SSA requested that

the Commission specify a time limit—three business days—by which copies of any requested agreement would have to be provided by an MTO to the requesting party.

The Commission accepts AAPA's "reasonable charge" suggestion and the FNPR will so reflect.

The Commission assumes that the MTO community will comply with the public notice requirement in a responsible and timely manner, and has not, therefore, established a specific time within which MTOs must provide a copy of their facilities agreement to a requesting party. Should a need ever arise, the Commission could revisit the matter.

#### *D. Facilities Agreements vs. Service Agreements*

Although the NPR made no reference to the previous Commission rulemaking that dealt with MTO service agreements, FMC Docket No. 91-20, several of the commenting parties referred to that rulemaking in their responses to the proposed facilities agreement rule. Generally, the comments contained suggestions that the proposed facilities agreement filing exemption be expanded in some way, such as: To require the filing of service agreements, or to exempt service agreements between two or more common carriers, or to exempt all facilities and service agreements from filing. These comments address issues that were considered in Docket No. 91-20, and are outside the scope of this proceeding.

DOJ's argument that the Commission should withdraw antitrust immunity from all MTO agreements (facilities agreements and service agreements) simply because the MTO industry appears to be generally competitive and no evidence of market failure has been established, is unpersuasive. As the Commission concluded in its Section 18 Report:

But even if the question about an economic need for antitrust immunity for public port authorities and private terminal operators were answered in the negative, this would not necessarily settle the fundamental policy issue. The question of whether to retain the current provisions dealing with marine terminal operators, or abridge them to cover only public port authorities, or remove them altogether, involves a policy decision that balances the full array of regulatory concerns, including economic concerns, antitrust policy, state vs. federal regulatory responsibilities, and established industry practices. At 479.

Moreover, since the Commission's intention in promulgating the proposed exemption is to reduce unnecessary

<sup>8</sup> Section 35 of the 1916 Act, 46 U.S.C. app. 833a, does not contain any equivalent to section 7 of the 1984 Act's provision for antitrust immunity.

<sup>9</sup> The relevant subsection states:

(b) *Optional Filing.* Notwithstanding any exemption from filing or approval or other requirements of the Act and this part, any party to an exempt agreement may file such an agreement with the Commission.



regulatory burdens and governmental costs, it would be counter-productive to impose a condition that would create a disincentive to the use of the exemption.

In reassessing its NPR, the Commission has considered the similarities and differences between the service agreement exemption it established in Docket No. 91-20 and the revised facilities agreement exemption it is now proposing. Accordingly, the Commission has decided to withdraw the original proposal to make publication of certain information in MTO tariffs a condition of the terminal facilities agreement filing exemption.

In the matter of antitrust immunity, the Commission has decided not to withhold antitrust immunity as a condition of the proposed filing and notice exemption for facilities agreements. In reaching that decision, the Commission finds a number of significant distinctions between the scope and nature of the proposed facilities agreement exemption and the existing service agreement exemption in Docket No. 91-20, which obviates any need to regulate the former type of agreement under the antitrust laws.

First, unlike the service agreement exemption which contains no public notice requirement, the FNPR on facilities agreements includes a requirement that copies of all terminal facilities agreements be made available to all requesting parties. This requirement will ensure that interested parties will have ready access to the terms and conditions of exempt terminal facilities agreements, and hence will be able to protest any provisions that may warrant Commission action.

Second, while prices established pursuant to terminal service agreements are usually between two private parties and remain confidential, terminal facilities agreements are generally between a private company and a public, or quasi-public agency. The public agency involved (the port authority landlord) is, as a rule, subject to a variety of state or local disclosure requirements that virtually ensure that interested third parties can learn the terms and conditions of terminal facilities agreements. Thus, those interested parties will be able to protest any terminal facilities agreements that contain provisions that may warrant Commission action.

Third, although terminal service agreements can include combined MTO/stevedore "throughput" rates, it should be pointed out that the Commission does not assert jurisdiction over stevedore services. Terminal facilities agreements, on the other hand,

are indisputably subject to Commission jurisdiction.

Finally, terminal facilities agreements almost invariably include public port authorities as parties to the agreement (as landlords/lessors). As public or quasi-public agencies, public port authorities may have antitrust immunity under the "state action" doctrine and/or the Local Government Antitrust Act of 1984.<sup>10</sup> Terminal service agreements likely do not have similar alternative sources of antitrust immunity.

#### *E. Optional Filing*

NAS noted in its comments that the exemption proposed in the NPR appeared to be optional and that "marine terminal facilities agreements may continue to be filed with and processed by the Commission under present rules and regulations." NAS at 2. Under the revised proposal, MTOs may decide not to use the exemption and continue to file their terminal facilities agreements with the Commission just as they do now. However, since the Commission will not receive copies of exempt terminal facilities agreements, and since the notice exemption will still pertain to any facilities agreements which are voluntarily filed, the Commission proposes to no longer publish notices of terminal facilities agreements in the *Federal Register*. Under the proposed rule's requirement that all FMC-regulated MTOs must make copies of their terminal facilities agreements available to all interested parties, the MTO community would itself become the primary source of public information on terminal facilities agreements.

#### *Exemption Criteria*

The revised version of the proposed filing and notice exemption for terminal facilities agreements appears to meet the exemption criteria of section 16 of the 1984 Act and section 35 of the 1916 Act, i.e., it should not substantially impair effective regulation, be unjustly discriminatory, be detrimental to commerce, or result in a substantial reduction in competition.

The proposed exemption should not substantially impair effective regulation since the Commission retains its authority to adjudicate formal complaints and to investigate and take appropriate action to address any statutory violations occurring under arrangements that have been exempted from filing and notice requirements. Section 12 of the 1984 Act, 46 U.S.C. app. 1711, and section 27 of the 1916 Act, 46 U.S.C. app. 826, confer the Commission

with subpoena powers to obtain the information it may need for investigations and adjudicatory proceedings involving exempt activities. That authority and those powers should, in conjunction with the FNPR's new public notice requirement, be sufficient to ensure that there will be no diminution of the Commission's present degree of regulatory oversight. Additionally, the proposed exemption applies only to filing and notice requirements, and does not relieve the parties to marine terminal facilities agreements from other requirements of the 1916 and 1984 Acts.

The exemption would not appear to be unjustly discriminatory since it is available to all parties to marine terminal facilities agreements. And, parties to such agreements will maintain the option of filing such agreements with the Commission should they so choose.

Finally, MTOs are being required to make all current marine terminal facilities agreements available to the public, which should ensure that competing parties have access to information to which they properly are entitled. Therefore, the exemption should not adversely affect competition in the marine terminal industry.

Although the Commission, as an independent regulatory agency, is not subject to Executive Order 12291, dated February 17, 1981, it nonetheless has reviewed the rule in terms of the Order and has determined that this is not a "major rule" because it will not likely result in:

(1) An annual effect on the economy of \$100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rule concerns a filing and notice exemption that applies primarily to U.S. public port authorities and approximately twoscore private terminal operating companies. The minimal cost of the public notice requirement included in the proposed rule is expected, on average, to be offset by the savings that are anticipated from the filing and notice exemption. Therefore, the Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

<sup>10</sup> See the Commission's Section 18 Report at 477.



including small businesses, small organizational units and small government jurisdictions.

#### OMB Control Number

The collection of information requirements contained in this regulation were approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980, as amended, and have been assigned OMB control numbers 3072-0040 for part 560 and 3072-0045 for part 572. Public reporting burdens for the collection of information were originally estimated to average 45 minutes per response for Part 560 and 45 minutes per response for part 572, including the time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. However, because of the subsequent removal of the proposed requirement to publish information concerning terminal facilities agreements in MTO tariffs, the new public reporting burdens for collection of information are estimated to average approximately 25 minutes per response for part 560 and 25 minutes per response for part 572. Appropriate inventory correction worksheets will be forwarded to OMB. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be sent to Norman W. Littlejohn, Director, Bureau of Administration, Federal Maritime Commission, Washington, DC 20573 and to the Office of Information and Regulatory Affairs, Attention: Desk Officer for the Federal Maritime Commission, Office of Management and Budget, Washington, DC 20503.

#### List of Subjects

##### 46 CFR Part 560

Administrative practice and procedure, Agreements, Antitrust, Freight, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

##### 46 CFR Part 572

Administrative practice and procedure, Agreements, Maritime carriers, Reporting and recordkeeping requirements.

Therefore, parts 560 and 572 of title 46, Code of Federal Regulations, are proposed to be amended as follows:

#### PART 560—[AMENDED]

1. The authority citation for part 560 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 814, 817(a), 820, 821, 833a and 841a.

2. Part 560 is amended by adding § 560.309 to subpart C to read as follows:

##### § 560.309 Marine terminal facilities agreement-exemption.

(a) *Marine terminal facilities agreement* means any agreement between or among two or more marine terminal operators, or between one or more marine terminal operators and one or more common carriers by water in interstate commerce, which conveys to any of the involved parties any rights to operate any marine terminal facility by means of lease, license, permit, assignment, land rental, or other similar arrangement for the use of marine terminal facilities or property.

(b) All marine terminal facilities agreements as defined in § 560.309(a) are exempt from the filing and approval requirements of section 15 of the Shipping Act, 1916, and this part 560.

(c) Copies of any and all marine terminal facilities agreements currently in effect shall be provided, by parties to such agreements, to any requesting party for a reasonable copying and mailing fee.

3. Section 560.601 is amended by revising the first sentence to read as follows:

##### § 560.601 Federal Register notice.

With the exception of marine terminal facilities agreements, as defined in § 560.309(a), requests for approval which are not rejected pursuant to § 560.401 shall be noticed in the Federal Register.

\* \* \*

#### PART 572—[AMENDED]

4. The authority citation for part 572 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1701-1707, 1709-1710, 1712 and 1714-1717.

5. Part 572 is amended by adding § 572.311 to subpart C to read as follows:

##### § 572.311 Marine terminal facilities agreement-exemption.

(a) *Marine terminal facilities agreement* means any agreement between or among two or more marine terminal operators, or between one or more marine terminal operators and one or more ocean common carriers, which conveys to any of the involved parties any rights to operate any marine terminal facility by means of lease, license, permit, assignment, land rental, or other similar arrangement for the use of marine terminal facilities or property.

(b) All marine terminal facilities agreements as defined in § 572.311(a) are exempt from the filing and waiting period requirements of sections 5 and 6 of the Shipping Act of 1984 and this part 572.

(c) Copies of any and all marine terminal facilities agreements currently in effect shall be provided, by parties to such agreements, to any requesting party for a reasonable copying and mailing fee.

6. Section 572.602(a) is revised to read as follows:

##### § 572.602 Federal Register notice.

(a) With the exception of marine terminal facilities agreements, as defined in § 572.311(a), a notice of any filed agreement which is not rejected pursuant to § 572.601 will be transmitted to the Federal Register within seven days of the date of filing.

\* \* \*

By the Commission.

Joseph C. Polking,

Secretary.

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#### DEPARTMENT OF THE INTERIOR

##### Fish and Wildlife Service

##### 50 CFR Part 17

##### RIN 1018-AB63

**Endangered and Threatened Wildlife and Plants; Proposal to Determine Two Utah Plants, *Lesquerella tumulosa* (Kodachrome Bladderpod) and *Lepidium Montanum* Var. *Stellae* (Kodachrome Pepper-Grass), to be Endangered Species**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Fish and Wildlife Service (Service) proposes to determine two Utah mustard plants, *Lesquerella tumulosa* (Kodachrome bladderpod) and *Lepidium montanum* var. *stellae* (Kodachrome pepper-grass), to be endangered species. These two species are endemic to soils derived from the Carmel geological formation in the lower elevations of the Paria River drainage in Kane County in southern Utah. These two plants have one small population each on the same shared habitat. A significant portion of the species habitat is subject to disturbance from recreational off-road vehicle activity and potentially from mineral development. A determination that *L.*



*tumulosa* and *L. m. var. stellae* are endangered species would provide these plants protection under the authority of the Endangered Species Act, as amended. The Service is requesting comments on this proposed action.

**DATES:** Comments from all interested parties must be received by January 4, 1993. Public hearing requests must be received by December 18, 1992.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Field Supervisor, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 2060 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** John L. England at the above address (801/524-4430).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Kodachrome bladderpod was discovered by Rupert Barneby in 1966 from a site in the Kodachrome Basin of the Paria River drainage in extreme northern Kane County, Utah. Barneby (1966) described the plant as *Lesquerella hitchcockii* ssp. *tumulosa*, comparing the taxon with *Lesquerella hitchcockii* ssp. *rubicundula* (now *Lesquerella rubicundula*) from the nearby Paunsagunt Plateau. James Reveal, in his taxonomic treatment of the *Lesquerella hitchcockii* complex of species, elevated Barneby's *L. h. tumulosa* to species rank as *Lesquerella tumulosa* (Reveal 1970). Rollins and Shaw (1973) submerged *L. tumulosa* in *L. rubicundula*. Welsh and Reveal (1977) and Welsh et al. (1987) reestablished *L. tumulosa* based on: (1) Its distinctive gross vegetative morphology (*L. tumulosa* has very small linear leaves and a distinctive pulvinate growth form arising from a many branched caudex as opposed to *L. rubicundula* which has spatulate leaves and a caespitose growth form arising from a simple to few branched caudex), (2) its ecological setting (*L. tumulosa* is restricted to very xeric shale outcrops at about 1,740 m (5,700 ft) elevation as opposed to *L. rubicundula* on much more mesic limestone soils at about 2,040 m (6,700 ft) elevation and higher, and (3) its spatial separation (*L. tumulosa* is restricted to a small area in Kodachrome Basin and *L. rubicundula* is restricted to a limited area on the Paunsagunt Plateau with no known intermediate populations).

The Kodachrome pepper-grass was discovered by Stella and Stanley Welsh

in 1975 from the same site as the *L. tumulosa* population. Welsh and Reveal (1977) described the species as *Lepidium montanum* var. *stellae*.

*Lesquerella tumulosa* is a perennial herbaceous plant, with a densely pulvinate caespitose growth form from a many-branched caudex forming hemispheric clumps or cushions. The caudex branches are clothed with numerous marcescent leaves and leaf bases. The stems are 1 to 4 cm (0.4 to 1.6 in) tall with mainly basal leaves. The leaves are narrowly linear 2 to 10 mm (0.1 to 0.4 in) long and about 1 mm (0.05 in) wide, pubescent with stellate hairs, and not differentiated into a blade and petiole. The flowers of *L. tumulosa* have spatulate, yellow petals 5 to 7 mm (0.2 to 0.3 in) long. The fruit is an ovoid silicle about 3 mm (0.1 in) long containing two to four seeds (Barneby 1966, Reveal 1970, Welsh and Reveal 1977, Welsh et al. 1987).

*Lepidium montanum* var. *stellae* is a perennial herbaceous plant, with stems 5 to 10 cm (2 to 4 in) tall arising from a woody caudex. The leaves are pinnately lobed about 2 cm (0.8 in) long and 0.8 cm (0.3 in) wide. The flowers of *L. m. stellae* have petals that are white and measure about 2.5 mm (0.1 in) long. The fruit is a compressed silicle about 3 mm (0.1 in) long covered with short stiff hairs and contains two seeds (Welsh and Reveal 1977, Welsh et al. 1987).

*Lesquerella tumulosa* grows on sparsely vegetated white shale knolls in thin, poorly developed soils derived from the Winsor member of the Carmel geologic formation (Welsh and Reveal 1977, Welsh 1978, Franklin 1990). Plant species commonly associated with *L. tumulosa* include: *Pinus edulis*, *Juniperus osteosperma*, *Purshia tridentata*, *Cryptantha flava*, *Stipa hymenoides*, *Eriogonum corymbosum*, *Asclepias cryptoceras*, *Hymenopappus filifolius*, and *Oenothera caespitosa*. *L. tumulosa* is restricted to one population with scattered occurrences with total range of about 4 km (2.5 mi) across in its largest dimension in the Kodachrome flats area of the Paria River drainage in northern Kane County, Utah. The species total population is about 20,000 plants (Franklin 1990). *L. tumulosa*'s small population and restricted habitat make the species vulnerable to man-caused and natural environmental disturbances. Some habitat has been destroyed in the past by gravel aggregate removal (Welsh 1978). Off-road vehicle use and mineral exploration and mining claim assessment work are potential threats to the species habitat (John L. England, U.S. Fish and Wildlife Service, pers. obs., 1991, 1992).

*Lepidium montanum* var. *stellae* grows on the same geological formation as *L. tumulosa* but in a different microhabitat in one of the following three situations: (1) On gypsiferous layers forming outcrops on the above-mentioned shale knolls, (2) on downslope soils influenced by those gypsiferous layers, and (3) on accumulated leaf litter under pinyons (*Pinus edulis*) along drainage channels through the knolls (Franklin 1990). Plant species normally associated with *L. m. stellae* include: *Pinus edulis*, *Juniperus osteosperma*, *Purshia tridentata*, *Cryptantha flava*, *Cryptantha fulvocanescens*, *Hilaria jamesii*, *Eriogonum corymbosum*, *Muhlenbergia pungens*, *Hymenopappus filifolius*, and *Ephedra viridis*. The *L. m. var. stellae* population has approximately the same distribution as *L. tumulosa*. The species total known population is less than 1,000 plants (Franklin 1990). *L. m. var. stellae* has the same vulnerabilities and threats as *L. tumulosa*.

*Lepidium montanum* var. *stellae* and *L. tumulosa* occur only on public lands owned and managed by the State of Utah or the Bureau of Land Management. The majority of the population of *L. tumulosa* occurs on one section of State land, and a significant portion of *L. m. var. stellae* also occurs on State-owned land. The balance of the population for both species occur on adjacent Federal lands.

Section 12 of the Endangered Species Act (Act) of 1973 (16 U.S.C. 1531 *et seq.*) directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Fish and Wildlife Service (Service) published a notice in the Federal Register (40 FR 27823) of its acceptance of the report as a petition to list the taxa named therein under section 4(c)(2) of the Act (petition acceptance is now governed by section 4(b)(3)(A) of the Act), and its intention to review the status of those plants.

*Lesquerella tumulosa* was proposed by the Service for listing as endangered along with some 1,700 other vascular plant taxa on June 16, 1976 (41 FR 24523). General comments received in relation to the 1976 proposal are summarized in an April 26, 1978, Federal Register publication (43 FR 17909). The 1978 amendments to the Act required that all proposals over 2 years old be withdrawn, though proposals published before the date of enactment of the 1978 amendments could not be withdrawn before the end of a 1-year grace period



beginning on the date of enactment. On December 10, 1979, the Service published a notice of withdrawal of that portion of the June 16, 1976, proposal that had not been made final (44 FR 70796), including *L. tumulosa*.

The July 1975 notice was updated by a notice in the Federal Register on December 15, 1980 (45 FR 82480), which included *L. tumulosa* and *L. m. var. stellae* as category 1 species. Category 1 comprises taxa for which the Service presently has significant biological information to support their being proposed to be listed as endangered or threatened species. The Service published a notice of review on November 28, 1983 (48 FR 53640), which supplemented the 1980 notice. This notice moved *L. m. var. stellae* to category 2. Category 2 comprises taxa for which information in the possession of the Service indicates that proposing the species is possibly appropriate, but for which conclusive data on biological vulnerability and threat(s) are not currently known or on file to support a proposed rule. The Service at that time deemed that additional status information concerning the abundance and distribution of *L. m. var. stellae* was needed before the species should be proposed as endangered or threatened.

The Service published a notice of review on September 27, 1985 (50 FR 39526), replacing the 1980 Notice of Review and the 1983 supplement. This Notice of Review moved *L. tumulosa* from category 1 to category 2. The Service received a status survey report which indicated that the population of *L. tumulosa* was much larger than previously reported (Hreha 1982). The Service deemed it prudent at that time to further review the status of *L. tumulosa* before proposing to list the species as either endangered or threatened. The Service also returned *L. m. var. stellae* to category 1 in that notice because its abundance and distribution were then known to be extremely limited and the plant highly vulnerable to habitat destruction. On February 21, 1990, the Service published a new notice of review (55 FR 6184) replacing the previous notices. This notice maintained both *L. tumulosa* and *L. m. var. stellae* at the same categories as in the 1985 notice. The Service has since received additional information (Franklin 1990), which has been validated by Service personnel, that indicates that both *L. tumulosa* and *L. m. var. stellae* should be listed as endangered. The Service now considers both plants to be category 1 species.

Section 4(b)(3)(B) of the 1982 amendments to the Act requires the

Secretary of the Interior to make findings on certain petitions within 1 year of their receipt. Section 2(b)(1) of the Act's amendments of 1982 further requires that all petitions pending as of October 13, 1982, be treated as having been newly submitted on that date. The 1975 Smithsonian report was accepted as a petition and the plant taxa in the Service's 1980 and 1985 notices are treated as though they are petitioned. Beginning on October 13, 1983, and each successive year, the Service has made 1-year findings that the petition to list *L. tumulosa* and *L. m. var. stellae* was warranted, but precluded by other listing actions of higher priority. This proposed rule constitutes the next 1-year petition finding for *L. tumulosa* and *L. m. var. stellae*.

#### Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Lesquerella tumulosa* (Barneby) Reveal and *Lepidium montanum var. stellae* Welsh and Reveal are as follows:

##### A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The *L. tumulosa* and *L. m. var. stellae* populations are on Federal and State lands subject to leasing for their oil and gas energy reserves. Portions of the habitat have been disturbed by prospecting and the excavating of gravel and clay. Both plants are vulnerable to any surface disturbing activity associated with mineral development within their habitat (Welsh 1978). Recent inventories for these species have demonstrated very small populations and ranges for these plants (Franklin 1990; John L. England, pers. obs., 1991, 1992). Both *L. tumulosa* and *L. m. var. stellae* are vulnerable to the habitat disturbing effects of dispersed off-road vehicle recreation.

##### B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

None known. However, because of the limited distribution of *L. tumulosa* and *L. m. var. stellae*, both species are vulnerable to vandalism.

##### C. Disease or Predation

Sheep and cattle grazing may have had an impact on *L. tumulosa* and *L. m. var. stellae* historically, but with current levels of grazing intensity and grazing management by the Bureau of Land Management, domestic livestock grazing is not expected to significantly impact either species.

##### D. The Inadequacy of Existing Regulatory Mechanisms

There are no Federal, State, or local laws or regulations that address these species specifically or directly provide for the protection of their habitat. The Bureau of Land Management is aware of both *L. tumulosa* and *L. m. var. stellae* and is considering them in environmental planning of their habitat areas until the Service makes a final determination concerning their status under the Act. No Federal Agencies are currently under legal obligation for the conservation of *L. tumulosa* and *L. m. var. stellae*. The Utah State Land Board is authorized, by State law, to provide conservation planning for federally listed endangered and threatened plant species, but no such recognition is granted to species that are not recognized as endangered or threatened under Federal law. The majority of the population of *L. tumulosa* and much of *L. m. var. stellae* are on one section of land owned by the State of Utah.

##### E. Other Natural or Manmade Factors Affecting Their Continued Existence

The total population of *L. tumulosa* is about 20,000 individuals (Franklin 1990). The total population of *L. m. var. stellae* is less than 1,000 individuals (Franklin 1990). The populations of these species, especially *L. m. var. stellae*, are at levels which may not be demographically stable in the medium to long term. The existence of just one population for each of these species makes them particularly vulnerable to extinction from any catastrophic event to either of the species populations or its very limited habitat. The effects of past habitat degradation on the species ability to respond to environmental stress is not known but may be critical to the species future existence. *L. m. var. stellae* in particular may not have sufficient genetic variability to provide for long-term adaptation to natural changes in environmental conditions.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by *L. tumulosa* and *L. m. var. stellae* in determining to propose this rule. Based on this evaluation, the preferred action



is to list *Lesquerella tumulosa* and *Lepidium montanum* var. *stellae* as endangered species. Both these species are rare local endemics on habitat that has the potential for being exploited for its mineral resources and damaged by recreational activities. The populations of both species are very small both in numbers and range and are vulnerable to environmental variation which may drive their populations to extinction. Because both of these two species have sympatric populations, on a single very small shared habitat that may face extinction, they fit the definition of endangered as defined by the Act. The status of threatened does not reflect the biological condition and vulnerability of these species populations. For the reasons given below, it is not considered prudent to propose designation of critical habitat.

#### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat for *L. tumulosa* and *L. m. var. stellae* is not presently prudent for these species because possible adverse consequences from vandalism would likely outweigh the minimal benefits accruing from critical habitat designation.

As noted under Factor "A," *L. tumulosa* and *L. m. var. stellae* occupy extremely limited habitat. Designation of critical habitat would entail publication of a detailed description and map of this habitat in the Federal Register, exposing the species to the potential and probable threat of vandalism. Lacking mobility, plants are more vulnerable to vandalism than animals. One person could easily vandalize the single small *L. tumulosa* or *L. m. var. stellae* populations.

Moreover, few additional benefits would be provided to the species by the critical habitat designation that would not already be provided by listing the species as endangered, particularly because much of each species population is located on lands under Federal jurisdiction. Any Federal action that would impact the plant's habitat would affect the plants as rooted organisms and, consequently, would be addressed through section 7

consultation. Section 9(a)(2)(B) of the Act makes it unlawful to remove and reduce to possession any endangered species of plant from areas under Federal jurisdiction or to maliciously damage or destroy such species on any such area. Such provisions are difficult

to enforce and publication of critical habitat descriptions and maps would make both plants more vulnerable. The Bureau of Land Management is aware of the occurrence of *L. tumulosa* and *L. m. var. stellae* on Federal lands and of their obligations under the Act. The Utah Natural Heritage Program of the Utah Department of Natural Resources is similarly aware of each species population on State of Utah lands. Protection of the species habitat will also be accomplished through the recovery process.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal Agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal Agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal Agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal Agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal Agency must enter into formal consultation with the Service.

A significant portion of the known populations of *L. tumulosa* and *L. m. var. stellae* are on Federal lands under the jurisdiction of the Bureau of Land Management. The Bureau of Land Management, in addition, is responsible for the leasing of minerals under Federal

jurisdiction. The Bureau of Land Management would be responsible for ensuring that Federal land uses and actions are not likely to jeopardize the continued existence of *L. tumulosa* and *L. m. var. stellae*.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale these species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few, if any, trade permits would ever be sought or issued for *L. tumulosa* and *L. m. var. stellae* because the species is not common in cultivation or in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, Room 432, 4401 North Fairfax Drive, Arlington, Virginia 22203 (703/358-2093).

#### Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposal are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *L. tumulosa* and *L. m. var. stellae*;



(2) The location of any additional populations of *L. tumulosa* and *L. m. var. stellae* and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of *L. tumulosa* and *L. m. var. stellae*; and

(4) Current or planned activities in the subject area and their possible impacts on *L. tumulosa* and *L. m. stellae*.

Final promulgation of the regulation on these species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Service's Field Supervisor in Salt Lake City, Utah (see ADDRESSES above).

**National Environmental Policy Act**

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section

4(a) of the Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

**References Cited**

Barneby, R.C. 1966. New sorts of *Lesquerella*, *Euphorbia*, and *Viguiera* from Kane County, Utah. Leaflet. West. Bot. 10:313-317.

Franklin, M.C. 1990. Report for Bureau of Land Management: *Xylorhiza cronquistii*, *Lesquerella tumulosa*, *Lepidium montanum* var. *stellae*. Unpublished report prepared by the Utah Natural Heritage Program, Salt Lake City, Utah. 11 pp.

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Welsh, S.L. 1978. Status report: *Lesquerella tumulosa*. U.S. Fish and Wildlife Service, Denver, Colorado. 6 pp.

Welsh, S.L. and J.L. Reveal. 1977. Utah flora: Brassicaceae (Cruciferae). Great Basin Nat. 37:279-365.

Welsh S.L., N.D. Atwood, S. Goodrich, and L.C. Higgins. 1987. A Utah flora. Great Basin Nat. Mem. 9:1-894.

**Author**

The primary author of this proposed rule is John L. England, Botanist, U.S. Fish and Wildlife Service, Salt Lake City, Utah (801/524-4430, see ADDRESSES above).

**List of Subjects in 59 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

**Proposed Regulations Promulgation**

**PART 17—[AMENDED]**

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Brassicaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

\* \* \* \* \*  
(h) \* \* \*

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Brassicaceae—Mustard Family:						
<i>Lepidium montanum</i> var. <i>stellae</i>	Kodachrome pepper-grass	U.S.A. (UT)	E		NA	NA
<i>Lesquerella tumulosa</i>	Kodachrome bladderpod	U.S.A. (UT)	E		NA	NA

Dated: October 9, 1992.  
Richard N. Smith  
Director, Fish and Wildlife Service.  
[FR Doc. 92-26583 Filed 11-2-92; 8:45 am.]  
BILLING CODE 4310-55-M

**DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

**50 CFR Part 650**  
**Atlantic Sea Scallop Fishery; Public Hearing**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Temporary adjustment of standards; notice of public hearing and request for comments.

**SUMMARY:** NMFS will hold a public hearings to solicit public comment on a temporary adjustment of the meat count/shell height standards for Atlantic sea scallops.

**DATES:** The public hearing will be held on December 2, 1992, at 11:30 a.m. Written comments will be accepted through December 2, 1992, [See ADDRESSES].

**ADDRESSES:** The December 2, 1992, hearing will be held in conjunction with the New England Fishery Management Council (Council) meeting at the King's Grant Inn, Route 128 at Trask Lane,

Danvers, MA 01923. Written comments should be addressed to Richard B. Roe, Director, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Resource Policy Analyst, Fishery Management Operations, NMFS Northeast Region, 508-281-9273.

**SUPPLEMENTARY INFORMATION:** Section 650.22 of the regulations implementing the Fishery Management Plan for the Atlantic Sea Scallops Fishery (50 CFR part 650) provides authority to the Regional Director to temporarily adjust the meat count/shell height standards upon finding that specific criteria are met. The standards can be adjusted within a range from 25 to 40 meat per



pound and may be adjusted no more than 5 meats by any one adjustment. The Director, Northeast Region, NMFS (Regional Director) has considered the criteria specified in § 650.22(c) and has decided to recommend an adjustment to the standards from 30 to 33 meats per pound [shell height from 3½ inches (89 mm) to 3⅞ inches (87 mm)] for the period February 1, 1993, through September 30, 1993.

The regulations require the Regional Director to hold a public hearing on this recommendation and to solicit comments from the Council. The Regional Director may modify this recommendation based on comments from the Council or the public. After consideration of the full record, a final determination will be made by the Regional Director whether or not to adjust the standards. If the Regional Director determines that the standards should be adjusted, notice will be published in the *Federal Register*.

Dated: October 28, 1992.

David S. Crestin,

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 92-26652 Filed 11-2-92; 8:45 am]

BILLING CODE 3510-22-M

## 50 CFR Part 651

[Docket No. 90927-2280]

### Northeast Multispecies Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Denial of council recommendation to implement restrictive measures under Flexible Area Action System No. 6.

**SUMMARY:** NOAA issues this notification to inform the public and the fishing industry that the Director, Northeast Region (Regional Director) has disapproved the New England Fishery Management Council's (Council) recommendation to implement restrictive measures under Flexible Area Action System No. 6 (FAAS No. 6) to deal with alleged high discards of sublegal yellowtail flounder in Ipswich Bay off Massachusetts and New Hampshire. No information has been made available through sea sampling to confirm that significant discards of small yellowtail are occurring. Public comments received, both written and at public hearings, also failed to support the belief that significant discards of small yellowtail flounder are occurring.

### FOR FURTHER INFORMATION CONTACT:

Jack Terrill (NMFS, Resource Policy Analyst), 508-281-9252.

### SUPPLEMENTARY INFORMATION:

Amendment 3 to the Fishery Management Plan for the Northeast Multispecies Fishery established a Flexible Area Action System (FAAS), whereby protection can be provided to concentrations of juvenile, sublegal, or spawning fish. Regulations implementing Amendment 3 were published on December 22, 1989 (54 FR 52803).

FAAS No. 6 was initiated by reports to the chairman of the Council that high discards of sublegal yellowtail flounder were occurring in areas offshore of Massachusetts and New Hampshire known as Ipswich Bay. Under the provisions of 50 CFR 651.26, a notice was published on October 13, 1992 (57 FR 46840). The notice announced that the Council would consider action under FAAS No. 6 to protect a large concentration of yellowtail flounder smaller than the legal minimum landing size in Ipswich Bay.

Upon initiation, the Regional Director began fact finding to determine the existence of a problem in the area. Attempts were made to place a sea sampler on a vessel fishing in the area. Unfortunately, other species moved into the area immediately after FAAS No. 6 was initiated, causing vessels to leave the area. As a consequence, sea samplers were not placed on vessels and could not confirm or deny the existence of a problem. The U.S. Coast Guard provided assistance by boarding two vessels and observing haulbacks. These observations were inconclusive. Neither a fact-finding report nor an economic impact analysis could be prepared for FAAS No. 6.

A public hearing on FAAS No. 6 was held on October 22, 1992, in Danvers, Massachusetts, in conjunction with the October meeting of the Council, to hear comments on the proposed action. Approximately 15 persons attended. In addition, three written comments were received. The comments addressed the issue of large scallop vessels working in an area generally fished by small vessels, rather than the problem of yellowtail flounder discards. The scallop vessels use dredge gear containing 3-inch (7.62 cm) diameter rings. Commenters stated that this ring size would equate to a mesh size that is less than the regulated mesh size of 5½ inches (13.97 cm) and that these vessels should not be working in this area without further restrictions.

At the conclusion of the public hearing the Council met to consider the

results of the Regional Director's fact-finding investigations and the public comments received. The Council raised concerns about the presence of scallop vessels in the area and recommended to the Regional Director that scallopers fishing in Ipswich Bay be subject to a 500-pound possession limit of groundfish for a period of up to 6 months.

Under the provisions of § 651.26(f), the Regional Director has disapproved the Council's recommendation. The decision is based upon a lack of conclusive evidence that a problem is occurring in the area. While there is concern over the use of gear capable of taking sublegal groundfish, the absence of information that significant discards are occurring makes it inappropriate to take the recommended action under FAAS No. 6. The lack of a fact-finding report or an economic impact analysis makes it unfair to impose a restriction for which there has been no opportunity for public review and comment.

### Classification

This denial of FAAS No. 6 is authorized by 50 CFR part 651 and is consistent with the Magnuson Fishery Conservation and Management Act and other applicable law.

### List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 28, 1992.

Joe P. Clem,

*Acting Director of Office Fisheries, Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 92-26592 Filed 10-29-92; 8:45 am]

BILLING CODE 3510-22-M

## 50 CFR Parts 672, 675, and 676

### Pacific Halibut Fisheries; Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands; Limited Access Management of Fisheries Off Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of availability of amendments to fishery management plans; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) has submitted Amendment 15 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and



Amendment 20 to the FMP for Groundfish of the Gulf of Alaska for review by the Secretary of Commerce (Secretary). Comments are requested from the public. Copies of the amendments and the final environmental impact statement/supplemental environmental impact statement (FEIS/SEIS) may be obtained from the Council (see "ADDRESSES").

**DATES:** Comments on the amendments must be received on or before January 4, 1993.

**ADDRESSES:** Comments should be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, Alaska 99802 or delivered to the Federal Building Annex, Suite 6, 9109 Mendenhall Mall Road, Juneau, Alaska. Copies of the amendments and the FEIS/SEIS are available on request from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 (telephone 907-271-2809).

**FOR FURTHER INFORMATION CONTACT:** Jay J. C. Ginter, Fishery Management Biologist, Alaska Region, NMFS at 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (Magnuson Act) (16 U.S.C. 1801 *et seq.*) requires that each Regional Fishery Management Council submit any FMP or FMP amendment it prepares to the Secretary for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires the Secretary, on receiving the

plan or amendment, to immediately publish a notice in the Federal Register that the plan or amendment is available for public review and comment. The Secretary will consider the public comments received during the comment period in determining whether to approve Amendments 15 and 20.

A companion regulatory amendment would effect changes to rules governing the harvest of Pacific halibut by U.S. fishermen in and off of Alaska. The proposed halibut regulatory amendment would provide management measures that are in addition to, and not in conflict with, regulations developed by the International Pacific Halibut Commission and promulgated at 50 CFR part 301. Although the Council does not have an FMP for halibut, it has delegated authority under the Halibut Act, as amended in 1982, to recommend to the Secretary policies affecting halibut allocation among U.S. fishermen in and off of Alaska.

If approved, the proposed FMP and regulatory amendments would allocate future total catch limits of Pacific halibut and sablefish among individual fishermen. An individual fishing quota (IFQ) would be a transferable harvest privilege that could be used, within specified limitations, by the IFQ holder to harvest halibut or sablefish whenever and however such harvests would be most beneficial to the holder's fishing operation. The proposed IFQ program would limit the entry of future fishermen into the affected fisheries to those

persons willing to purchase the harvest privilege from a person who already holds the privilege. The IFQ program is intended to resolve various conservation and management problems that stem from the current "open access" regulatory regime that allows free access to the common property fishery resources and stimulates excessive capital investment in the fisheries. If implemented, the proposed IFQ program would apply only to the fixed gear fisheries for sablefish and halibut in and off of Alaska.

In addition, a Western Alaska Community Development Quota is proposed to help develop commercial fisheries in communities on the Bering Sea coast by allowing them exclusive access to specified amounts of halibut and sablefish in the BSAI area.

Regulations proposed by the Council to implement these amendments are scheduled to be published within 15 days of this notice.

List of Subjects in 50 CFR Parts 672, 675, and 676

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*

Dated: October 29, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-26665 Filed 10-29-92; 8:45 am]

BILLING CODE 3510-22-M



# Notices

Federal Register

Vol. 57, No. 213

Tuesday, November 3, 1992

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.

Signed at Washington, DC on October 27, 1992.

**John A. Stevenson,**  
*Acting Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 92-26576 Filed 11-2-92; 8:45 am]

BILLING CODE 3410-05-M

Signed at Washington, DC, on October 27, 1992.

**John A. Stevenson,**  
*Acting Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 92-26577 Filed 11-2-92; 8:45 am]

BILLING CODE 3410-05-M

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

#### Commodity Credit Corporation

#### Feed Grain Donations for the Duck Valley Indian Reservation of Nevada and Idaho

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Shoshone-Paiute Tribe (the Tribe) of the Duck Valley Indian Reservation of Nevada and Idaho has been materially increased and become acute because of severe and prolonged drought, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation (CCC) for livestock feed for such needy members of the Tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing land of the Tribe to be acute distress areas and authorize the donation of feed grain owned by the CCC to livestock owners who are determined by the Bureau of Indian Affairs, United States Department of the Interior, to be needy members of the Tribe utilizing such lands. These donations by the CCC may commence upon October 21, 1992, and shall be made available through April 30, 1993, or such other date as may be stated in a notice issued by the Administrator, Agricultural Stabilization and Conservation Service.

### Agricultural Stabilization and Conservation Service

#### Commodity Credit Corporation

#### Feed Grain Donations for the Walker River Indian Reservation of Nevada

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Paiute Tribe of the Walker River Indian Reservation of Nevada (the Tribe) has been materially increased and become acute because of severe and prolonged drought, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation (CCC) for livestock feed for such needy members of the Tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing land of the Tribe to be acute distress areas and authorize the donation of feed grain owned by the CCC to livestock owners who are determined by the Bureau of Indian Affairs, United States Department of the Interior, to be needy members of the Tribe utilizing such lands. These donations by the CCC may commence upon October 21, 1992, and shall be made available through April 30, 1993, or such other date as may be stated in a notice issued by the Administrator, Agricultural Stabilization and Conservation Service.

## Forest Service

### Exemption of Sprouse House Log Salvage Project From Appeal, Wallowa-Whitman National Forest, Oregon

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice to exempt decisions from administrative appeal.

**SUMMARY:** This is a notification that the decision to implement the Sprouse House Log Salvage Project in the area of Big Sheep Creek on the Wallowa-Whitman National Forest is exempted from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published in the *Federal Register* on January 23, 1989 (54 FR 3342).

**DATES:** November 3, 1992.

**FOR FURTHER INFORMATION CONTACT:** Bruce Kaufman, Timber Staff, Wallowa-Whitman National Forest, 1550 Dewey Avenue, Baker City, Oregon, 97814, phone (503) 523-6391.

**SUPPLEMENTARY INFORMATION:** In 1987 an infestation of spruce bark beetles attacked the spruce component of the southern portion of the Wallowa-Whitman National Forest. During 1988 and 1989 the infestation became more severe and by July of 1989 approximately 15 percent of the southern portion of the district contained dead stands of spruce. At this time, a lightning storm moving through the area ignited the Canal Fire which burned a total of 19,700 acres on the Wallowa Valley Ranger District. Pockets of dead spruce supplied high intensity ladder fuels which hindered fire containment efforts. The area contained in the Sprouse House Log Salvage Project was not burned and fuel levels remain high.

Beginning in the fall of 1990, an interdisciplinary team (IDT) analyzed the infested area and identified the need to reduce fuel levels and salvage the dead trees in as short a time as possible



so that logs would remain merchantable. Since 1990, when the project was initially proposed, the value of the usable wood fiber has decreased. In September of 1991, a decision notice for the Sprouse House Log Salvage Project was signed and published. This decision was withdrawn in the fall of 1991 due to the need for completed biological evaluations for fish and wildlife. Biological evaluations have now been completed and usable fiber values remain high enough to make this an economically feasible project. Further delay in salvaging the dead trees could result in a loss of more than 25 percent of usable wood fiber, jeopardize the projects viability, and fail to address hazardous fuel build-up and the increased potential for high intensity fire in the area.

Public and internal scoping raised a number of issues concerning proposed project activities. Two significant issues were identified. These were:

1. Whether harvest activities would create an adverse effect on the landscape as seen from Forest Service Road 39 (a National Scenic Byway), or Big Sheep Creek (a study river under the National Wild and Scenic Rivers Act).

2. Whether harvest activities would damage new seedlings and advanced reproduction in the project area, and spread root diseases among residual trees through ground disturbance.

The IDT developed three alternatives to analyze, including the No Action Alternative. The effects of these alternatives are discussed in an environmental assessment (EA) which was prepared for the proposal. Under the Proposed Action (Alternative 3), approximately 149 acres would be salvaged yielding an estimated 370 MBF of timber. All units would be accessible using existing roads; no temporary or specified road construction is planned. Along Forest Service Road 39, a 100 foot no-activity buffer would be maintained in the immediate retention foreground. The remaining harvest area in immediate retention foreground would be leave tree marked with a portion of dead spruce being tractor winched to FS Road 3900-134. This combination of no-treatment and partial-treatment buffers would prevent any major changes in the landscape as seen from FS Road 29. Proposed treatment of the project area will meet visual quality objectives required under the Interim Management guidelines for Management Area 7, Wild and Scenic Rivers. With mitigation measures identified in Chapter II of the EA, no negative effects to the landscape are expected. Natural regeneration would be protected and ground disturbance reduced through mitigation

measures including restricting operation of equipment to existing skid trails. Analysis shows that this alternative best provides for the health and vigor of forest stands while meeting project objectives and Forest Plan Standards and Guidelines.

Biological evaluations have been completed for all plant, wildlife, and fish Proposed, Endangered, Threatened, and Sensitive species within the project area. All biological evaluations indicated that the project could proceed as planned. Informal consultation for chinook salmon, a threatened species, has been initiated with the National Marine Fisheries Service.

The sale and accompanying work is designed to accomplish the objectives as quickly as possible and minimize the amount of salvage volume lost. To expedite this salvage and the accompanying work, this project is exempted from appeal (36 CFR 217). Under this Regulation, the following is exempt from appeal:

Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as wildfires \* \* \* when the Regional Forester \* \* \* determines and gives notice in the Federal Register that good cause exists to exempt such decisions from review under this part.

After publication of this notice in the Federal Register, the Decision Notice for the Sprouse House Log Salvage Project may be signed by the Wallowa Valley District Ranger. Therefore, this project will not be subject to review under 36 CFR part 217.

Dated: October 28, 1992.

Michael S. Edrington,

Acting Deputy Regional Forester.

[FR Doc. 92-28608 Filed 11-2-92; 8:45 am]

BILLING CODE 3410-11-M

**Open Pit Gold Mine Expansion Proposal, Submitted to the Sawtooth National Forest, Burley Ranger District; BLM-Burley District, Deep Creek Resource Area: Cassia County, Idaho, by Black Pine Mining, Inc. The proposal is known as the Black Pine Gold Mine Expansion Proposal.**

**AGENCY:** USDA Forest Service, USDI Bureau of Land Management (BLM).

**ACTION:** Notice of Intent to prepare an Environmental Impact Statement.

**SUMMARY:** The Forest Service, acting as lead agency, will prepare a Draft Environmental Impact Statement on a proposal by Black Pine Mining, Inc., to expand their current open pit gold mining operations. The proposed action

is to mine gold ore from a newly discovered ore body in the area. The proposed action involves development of one open pit, and an associated waste rock dump and haul road segment on National Forest System lands. The gold ore would be processed on the currently permitted leach pad and processing plant facilities. The proposed action includes a plan to utilize a contingency site for land application of treated process solution for emergency or final reclamation on BLM lands.

**DATES:** Comments concerning the scope of the analysis, issues, and alternatives should be received by December 3, 1992.

**ADDRESSES:** Send written comments to James L. Chard, Burley District Ranger, 2621 S. Overland Avenue, Burley, Idaho 83318.

**FOR FURTHER INFORMATION CONTACT:** Larry Randall, District Minerals Administrator, Burley Ranger District, Sawtooth National Forest, 2621 S. Overland Avenue, Burley Idaho 83318. Phone: (208) 678-0430.

**SUPPLEMENTARY INFORMATION:**

**Background**

Black Pine Mining, Inc., a subsidiary of Pegasus Gold Corporation, purchased the rights to develop a cyanide heap leach/open pit gold operation from Noranda, Inc., in June 1990. The project is located on the Black Pine Division of the Burley Ranger District, Sawtooth National Forest, and the Deep Creek Resource Area, Burley District, Bureau of Land Management.

Noranda submitted plans for the development of the mine in 1987. An Environmental Analysis was conducted on the proposal and the findings documented in an Environmental Assessment (EA) dated August 1988. The decision to allow mining was documented in a Decision Notice and Finding Of No Significant Impact (FONSI) dated August 4, 1988.

Noranda's Operating Plan, Revision 2, was prepared and approved on August 7, 1989. The approved operating plan involved the development of three open pits, two large cyanide heap leach pads, up to eight cyanide ponds, an ore haul road system, ore recovery facilities, and ancillary mining facilities with the capacity to process approximately 11 million tons of gold ore.

Black Pine Mining (BPM) adopted Noranda's approved plan when they acquired the the rights to mine from Noranda in June 1990. BPM then re-evaluated the approved plan and submitted a revised development plan—The Black Pine Plan of Operations, Revision 3. It was evaluated in an EA



dated March 1991. The decision to allow the changes identified in the revised operating plan was documented in a FONSI dated March 4, 1991.

Revision 3 involves constructing a single 100-acre, valley fill (composite), heap leach facility in place of the previously approved two leach pads. Seven of the eight surface ponds were eliminated. Instead of the 11 million tons of ore previously approved, up to 22 million tons could be processed.

#### Proposed Action

The proposed action is for BPM to mine gold ore in a newly discovered anomaly in open pit fashion. The proposal includes an associated waste dump and haul road segment, as well as a land application system to dispose of treated process solution. The Company proposes to utilize existing facilities to process the ore.

The gold ore is located near the top of Black Pine Cone within the permitted mine area. The proposed "E" pit will generate approximately one million tons of ore and affect about 36 acres.

Approximately 1.6 million tons of waste rock would be disposed of at the site. The Company's proposed site is just below the pit and would disturb about 34 acres of land. It will be an angle of repose dump.

A 55-foot-wide haul road would be needed to access the ore body. Access would be from the currently approved "A" pit to minimize haul distance and disturbance. The proposed haul route travels along the eastern slope of Black Pine Cone Mountain. The road segment would be 7,750 feet long and disturb 75 acres.

Mining sequence is critical in order to economically extract minerals from "E" pit. The proposed access route is via a previously approved haul road within "A" pit. The haul road within "A" pit is scheduled to be mined out; thereby terminating the access to "E" pit. Access alternatives that bypass the haul road through "A" pit would create additional disturbances and may not be economically feasible.

The final item proposed for this mine expansion is a contingency site for land application of neutralized process solution for emergency or final reclamation disposal. The land application methodology utilizes the soil's natural percolation and absorption properties for discharge of neutralized solutions. The proposed land application site is located on BLM land just below the existing process facilities. It is approximately 90 acres in size. The site would have little disturbance associated to it. The disturbance would be limited to the treated solutions being applied to

the soil utilizing a single access road and overland travel on the site for sprayer or drip line layout and setup.

#### Decision to be Made

Based on the analysis in the EIS, a determination of how to best operate the Black Pine Mine will be made. The analysis in the EIS will not make a determination as to whether BPM should be allowed to mine. This decision has already been made in the Forest Plan and through the approval of BPM's existing operating plan. The decision to be made is whether to implement the proposed expansion plan or continue with the currently approved plan.

In making this decision, the following determinations must be made:

1. Determine if the proposed changes are in conformance with existing Forest Service and Bureau of Land Management policies, regulations, and approved land management direction, including the requirements of the Federal Land Policy and Management Act (FLPMA).

2. Determine if any additional mitigation, management, or monitoring requirements are needed if the proposed changes are implemented.

#### Issues Identified for Date

A number of issues have been identified to date for the proposed expansion of the mine. The issues shown here were derived from an Interdisciplinary Team of resource specialists who have reviewed the proposal and monitored the current mining operations. The main issues are summarized below.

1. *Surface and groundwater contamination:* Land application involves disposing of treated process solution on surface lands adjacent to the mining operations. Affected soils must have suitable percolation properties and be able to attenuate heavy metals. There may be a potential for surface or ground water contamination if the process solution is not properly treated.

2. *Waste Rack Stability:* The location, construction, and composition of the waste rock affect the stability of the waste dump over time.

3. *Visual Quality:* The proposed pit, dump, and haul road impact the visual quality of the Black Pine Mountains. The existing mine site is visible from the Interstate. The proposed expansion will be visible from Interstate 84 and/or Highway 30.

4. *Wildlife protection:* Wildlife may be exposed to the treated process solution directly (during application), or indirectly (by utilizing forage produced by the application). The potential risk of

toxic exposure to wildlife needs to be addressed.

5. *Public/Operator safety:* The construction of haul roads, pit excavation methods, waste dump construction, and temporary area closure boundaries affect public and operator safety.

6. *Sail/Watershed:* Disturbances associated with the construction of the pit, dump, and haul road potentially increase surface erosion and effect watershed quality.

7. *Reclamation potential:* The surface conditions (side slope steepness, sparse vegetation, various soil conditions, dry climate, etc.) and type of disturbance (pit, dump, or road) effects the standard of reclamation that can be expected to be successful.

8. *Mine economics:* The location of the project components, the timing of approval and the reclamation standards imposed effect the economics of the mine. The mining operations effect the economies of the local communities (Malta, Burley, Snowville).

#### Possible Alternatives

The Draft Environmental Impact Statement will analyze alternatives for road, dump, and possibly land application locations. The location of the ore body is fixed. Following are the alternatives to be analyzed as of this date. These alternatives are not fully developed at this time, but will be when the Draft EIS is completed. Any components of the expansion or their alternatives could require an amendment to the Forest Plan.

*No Action Alternative:* Under the no action alternative, mining would continue as approved in BPM's Plan of Operations, Revision 3. The "E" pit, associated waste dump, and haul road segment would not be allowed. The land application site would not be permitted either.

*Haul Road Alternative #1:* Is the proposed road alternative. It starts from the top of "A" pit and traverses south along the eastern slope of Black Pine Cone Mountain to "E" pit. Length is approximately 4,920 ft. Disturbance is 48 acres. BPM's proposed haul route.

*Haul Road Alternative #2:* Starts from the middle of "A" pit heading north above "A" waste dump, switches back and traverses the east slope of Black Pine Cone Mountain to "E" pit. Length is 7,750 ft. Disturbance is 75 acres.

*Haul Road Alternative #3:* Starts from the top of "A" pit as in Alternative #1. It travels north along the eastern slope of the mountain, switches back and travels south along the western slope to "E" pit.



**Haul Road Alternative #4:** Starts from the middle of "A" pit as in Alternative #2. It then switches back to the north along the eastern slope of Black Pine Cone Mountain ridge, crosses the ridge and switches back again to the south, traversing Black Pine Mountain along the western slope to "E" pit. Length is 8,750 feet. Disturbance is about 110 acres.

**Waste Dump Alternative #1:** Proposed waste dump. It would be an "angle of repose" dump located just below "E" pit on the western slope of Black Pine Cone Mountain. Disturbance would be approximately 33 acres.

**Waste Dump Alternative #2:** An angle of repose dump would be located just above the approved "A" waste dump in Mineral Gulch. It would disturb about 34 acres.

**Waste Dump Alternative #3:** Waste from "E" pit would be hauled to "A" waste dump.

#### Permits, Licenses Required

There are a number of state permits that have been secured by BPM for their current operations. The following permits will need to be modified if the expansion project is implemented:

**Reclamation Plan:** Idaho Department of Lands; Amend plan #RP-906.

**Permit To Construct An Air Pollution Emitting Source:** Idaho Department of Health and Welfare, Division of Environmental Quality; Amend Permit #0440-0018.

**Ore Processing By Cyanidation:** Division of Environmental Quality; Amend permit CN-000020-3.

**Plan of Operations:** USDA Forest Service, USDI Bureau of Land Management; Supplement to Operating Plan #01-91-02 (Black Pine Mine, Plan of Operations Rev. 3) as amended.

#### Scoping Process

A scoping statement is being developed which will be sent to all interested publics. Those on the scoping mailing list from the EA and supplemental EA for mining will be notified. All publics who indicated they wished to be notified of any proposal on the Sawtooth National Forest (1992 Sawtooth National Forest Shareholder's list) will receive a scoping statement and invitation to comment.

There are over two hundred individuals, organizations, and agencies on these lists.

A press release will be issued to describe the proposal and invite the public to comment. The release will include notification of two public scoping meetings that will be held in Burley, Idaho and Snowville, Utah on

September 30 and October 1, respectively.

This scoping process will allow 30 days after publication of this notice for submitting additional comments concerning the scope of the analysis, issues and alternatives.

The Forest Service will be actively seeking public input after the draft has been published. It is anticipated the Draft Environmental Impact Statement will be completed by December 15, 1992. There will be a formal comment period on the draft and an open house will be held to discuss the draft if needed.

The comment period on the draft Environmental Impact Statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the *Federal Register*.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions.

*Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft Environmental Impact Statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft Environmental Impact Statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the

National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

#### Responsible Officials

Jack E. Bills, Forest Supervisor, Sawtooth National Forest, and Gerald L. Quinn, District Manager, Burley District, BLM are the responsible officials.

Idaho's Department of Health and Welfare, Division of Environmental Quality and Division of Water Resources, Department of Lands, and Department of Fish and Game will be cooperating agencies.

The Forest Service will be acting as lead agency in preparing the Draft and Final EIS. Comments should be sent to James L. Chard, Acting District Ranger, Burley Ranger District, 2621 S. Overland Avenue, Burley, Idaho 83318. For more information contact Larry Randall, Burley District Minerals Administrator; Phone (208) 678-0430.

Dated: October 28, 1992.

Jack E. Bills,

Forest Supervisor.

[FR Doc. 92-26713 Filed 11-2-92; 8:45 am]

BILLING CODE 3410-11-M

#### Newspapers Used for Publication of Legal Notice of Appealable Decisions for the Northern Region; Idaho, Montana, North Dakota, and Portions of South Dakota and Eastern Washington

AGENCY: Forest Service, USDA.

ACTION: Notice.

**SUMMARY:** This notice lists the newspapers that will be used by all Ranger Districts, Forests, and the Regional Office of the Northern Region to publish legal notice of all decisions subject to appeal under 36 CFR part 217. The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notices of decisions, thereby allowing them to receive constructive notice of a decision, to provide clear evidence of timely notice, and to achieve consistency in administering the appeals process.

**DATES:** Publication of legal notices in the listed newspapers will begin with decisions subject to appeal that are made on or after November 3, 1992. The list of newspapers will remain in effect until April 1993, when another notice will be published in the *Federal Register*.

**FOR FURTHER INFORMATION CONTACT:** Stephen Solem, Regional Appeals Coordinator, Northern Region, P.O. Box



7669, Missoula, MT 59807. Phone: (406) 329-3647.

The newspapers to be used are as follows:

**Northern Regional Office**

Regional Forester decisions in Montana:

The Missoulian, Missoula, Montana.  
Great Falls Tribune, Great Falls, Montana.  
The Billings Gazette, Billings, Montana.

Regional Forester decisions in Northern Idaho and Eastern Washington:

The Spokesman Review, Spokane, Washington.

Regional Forester decisions in North Dakota:

Bismarck Tribune, Bismarck, North Dakota.

Regional Forester decisions in South Dakota:

Rapid City Journal, Rapid City, South Dakota.

**Beaverhead National Forest**

Beaverhead Forest Supervisor, Wise River District Ranger, Wisdom District Ranger and Sheridan District Ranger decisions: Montana Standard, Butte, Montana.

Madison District Ranger Decisions:

Montana Standard, Butte, Montana.  
Bozeman Chronicle, Bozeman, Montana.

**Bitterroot National Forest**

Bitterroot Forest Supervisor and District Ranger decisions:

Ravalli Republic, Hamilton, Montana.

**Clearwater National Forest**

Clearwater Forest Supervisor and District Ranger decisions:

Lewiston Morning Tribune, Lewiston, Idaho.

**Custer National Forest**

Custer Forest Supervisor decisions in North Dakota:

Bismarck Tribune, Bismarck, North Dakota.

Custer Forest Supervisor decisions in South Dakota:

Rapid City Journal, Rapid City, South Dakota.

Custer Forest Supervisor decisions in Montana:

Billings Gazette, Billings, Montana.

Shenoy District Ranger decisions:

Fargo Forum, Fargo, North Dakota.

Beartooth District Ranger decisions:

Carbon County News, Red Lodge, Montana.

Sioux District Ranger decisions:

Nation's Center News, Buffalo, South Dakota.

Ekalaka Eagle, Ekalaka, Montana.

Ashland District Ranger decisions:

Billings Gazette, Billings, Montana.

Grand River District Ranger decisions:

Lemmon Leader, Lemmon, South Dakota.

Adams County Record, Hettinger, North Dakota.

Medora District Ranger decisions:

Dickinson Press, Dickinson, North Dakota.

McKenzie District Ranger decisions:

Williston Daily Herald, Williston, North Dakota.

**Deerlodge National Forest**

Deerlodge Forest Supervisor and Ranger District decisions:

Montana Standard, Silver Bow County, Montana.

**Flathead National Forest**

Flathead Forest Supervisor and District Ranger decisions:

The Daily Inter Lake, Kalispell, Montana.  
Only in the Sunday Edition.

**Gallatin National Forest**

Gallatin Forest Supervisor, Bozeman District Ranger, Hebgen Lake District Ranger, Livingston District Ranger, and Gardiner District Ranger decisions:

Bozeman Daily Chronicle, Bozeman, Montana.

Big Timber District Ranger decisions:

Billings Gazette, Billings, Montana.

**Helena National Forest**

Helena Forest Supervisor and District Ranger decisions:

Independent Record, Helena, Montana.

**Idaho Panhandle National Forests**

Idaho Panhandle Forest Supervisor and District Ranger decisions:

Spokesman Review, Spokane, Washington.  
Coeur d'Alene Press, Coeur d'Alene, Idaho.

**Kootenai National Forest**

Kootenai Forest Supervisor, Rexford District Ranger, Three Rivers District Ranger, Libby District Ranger, Fisher River District Ranger decisions:

Western News, Libby, Montana.

Fortine District Ranger decisions:

Tobacco Valley News, Eureka, Montana.

Cabinet District Ranger decisions:

Sanders County Ledger, Thompson Falls, Montana.

**Lewis and Clark National Forest**

Lewis and Clark Forest Supervisor decisions:

Great Falls Tribune, Great Falls, Montana.

Rocky Mountain District Ranger decisions:

Great Falls Tribune, Great Falls, Montana.

Choteau Acantha, Choteau, Montana.

Sun Valley Sun, Augusta, Montana.

Glacier Reporter, Browning, Montana.

Judith District Ranger decisions:

Great Falls Tribune, Great Falls, Montana.

Judith Basin Press, Stanford, Montana.

News Argus, Lewistown, Montana.

River Press, Fort Benton, Montana.

Independent Record, Helena, Montana.

Billing Gazette, Billings, Montana.

Meagher County News, White Sulphur Springs, Montana.

Havre Daily News, Havre, Montana.

The Eagle, Stockett, Montana.

Musselshell District Ranger decisions:

Great Falls Tribune, Great Falls, Montana.

Times Clarion, Harlowton, Montana.

Billings Gazette, Billings, Montana.

Kings Hill District Ranger decisions:

Great Falls Tribune, Great Falls, Montana.

Meagher County News, White Sulphur Springs, Montana.

The Eagle, Stockett, Montana.

**Lolo National Forest**

Lolo Forest Supervisor, Missoula District Ranger, Ninemile District Ranger, and Seeley Lake District Ranger decisions: Missoulian, Missoula, Montana.

Plains/Thompson Falls District Ranger decisions:

Sanders County Ledger, Thompson Falls, Montana.

Superior District Ranger decisions:

Mineral Independent, Plains, Montana.

**Nezperce National Forest**

Nezperce Forest Supervisor, Salmon River District Ranger, Clearwater District Ranger, Red River District Ranger, and Moose Creek District Ranger decisions: Idaho County Free Press, Grangeville, Idaho.

Selway District Ranger decisions:

Idaho County Free Press, Grangeville, Idaho.

Clearwater Progress, Kamiah, Idaho.

Dated: October 28, 1992.

John M. Hughes,

Deputy Regional Forester.

[FR Doc. 92-26605 Filed 11-2-92; 8:45 am]

BILLING CODE 3410-11-M

**Rural Telephone Bank**

**Determination of the 1992 Fiscal Year Interest Rates on Rural Telephone Bank Loans**

**AGENCY:** Rural Telephone Bank, USDA.

**ACTION:** Notice of 1992 fiscal year interest rates determination.

**SUMMARY:** In accordance with 7 CFR 1610.10, the Rural Telephone Bank fiscal year 1992 cost of money rates have been established as follows: 6.14% and 7.38% for advances from the liquidating account and financing account, respectively (fiscal year is the period beginning October 1 and ending September 30).

Except for loans approved from October 1, 1987 through December 21, 1987 where borrower's elected to remain at interest rates set at loan approval, all loan advances made during fiscal year 1992 under bank loans approved prior to fiscal year 1992 shall bear interest at the rate of 6.14% (the liquidating account rate). All loan advances made during fiscal year 1992 under bank loans approved during fiscal year 1992 shall bear interest at the rate of 7.38% (the financing account rate).

The calculation of the Bank's cost of money rates for fiscal year 1992 for the liquidating account and the financing account are provided in Tables 1a and 1b. Since the calculated rates are greater than the minimum rate (5.00%) allowed under 7 U.S.C. 948(b)(3)(A), the cost of money rates for the liquidating account and financing account are set at 6.14% and 7.38%, respectively. The methodology required to calculate the cost of money rates is established in 7 CFR 1610.10(c).



**FOR FURTHER INFORMATION CONTACT:**

Matthew P. Link, Director, Rural Telephone Bank Management Staff, Rural Electrification Administration, room 2832, South Building, U.S. Department of Agriculture, Washington DC 20250, telephone number (202) 720-0530.

**SUPPLEMENTARY INFORMATION:**

The Federal Credit Reform Act of 1990 ("Credit Reform") (2 U.S.C. 661a, et seq.) implemented a system to reform the budgetary accounting and management of Federal credit programs. Bank loans approved on or after October 1, 1991, are accounted for in a different manner than Bank loans approved prior to fiscal year 1992. As a result, the Bank must calculate two cost of money rates: (1) The cost of money rate for advances made from the liquidating account (advances made during fiscal year 1992 on loans approved prior to fiscal year 1992) and (2) the cost of money rate for advances made during fiscal year 1992 on loans approved on or after October 1, 1991 (otherwise referred to as loans from the financing account).

The cost of money rate methodology is the same for both accounts. It develops a weighted average rate for the Bank's cost of money considering total fiscal year loan advances; the excess of fiscal year loan advances over amounts received in the fiscal year from the issuances of Class A, B, and C stocks, debentures and other obligations; and the costs to the Bank of obtaining funds from these sources.

**Sources and Costs of Funds—Liquidating Account**

During fiscal year 1992, the Bank was authorized to pay the following dividends: The dividend on Class A

stock was 2.00% as established in amended section 406(c) of the Rural Electrification Act; no dividends were payable on Class B stock as specified in 7 CFR 1610.10(c); and the dividend on Class C stock was established by the Bank at 7.5%.

In accordance with section 406(a) of the RE Act, the Bank did not issue Class A stock in fiscal year 1992. Total advances for the purchase of Class B stock and cash purchases for Class B stock were \$2,229,747. Rescissions of loan funds advanced for Class B stock amounted to \$1,230,997. Thus, the amount received by the Bank from the issuance of Class B stock, per 7 CFR 1610.10(c), was \$998,750 (\$2,229,747 - 1,230,997). The total amount received by the Bank in fiscal year 1992 from the issuance of Class C stock was \$4,525.

The Bank did not issue debentures or any other obligations related to the liquidating account in fiscal year 1992. Consequently, no cost was incurred related to the issuance of debentures subject to 7 U.S.C. 948(b)(3)(D).

The excess of fiscal year 1992 loan advances from the liquidating account over amounts received from issuances of stocks, debentures, and other obligations amounted to \$83,937,547. The cost associated with this excess is the historical cost of money rate as defined in 7 U.S.C. 948(b)(3)(D)(v). The calculation of the Bank's historical cost of money rate is provided in Table 2. The methodology required to perform this calculation is described in 7 CFR 1610.10(c). The cost for money rates for fiscal years 1974 through 1987 are defined in section 408(b) of the RE Act, as amended by Public Law 100-203, and are listed in 7 CFR 1610.10(c) and Table 2 herein.

**Sources and Costs of Funds—Financing Account**

During fiscal year 1992, the Bank was authorized to pay the following dividends: The dividend on Class A stock was 2.00% as established in amended section 406(c) of the Rural Electrification Act; no dividends were payable on Class B stock as specified in 7 CFR 1610.10(c); and the dividend on Class C stock was established by the Bank at 7.5%.

In accordance with section 406(a) of the RE Act, the Bank did not issue Class A stock in fiscal year 1992. Total advances for the purchase of Class B stock and cash purchases for Class B stock were \$193,155. Since there were no rescissions of loan funds advanced for Class B stock, the amount received by the Bank from the issuance of Class B stock, per 7 CFR 1610.10(c), was \$193,155. No amounts were received in fiscal year 1992 from the issuance of Class C stock associated with the financing account.

During fiscal year 1992, issuances of debentures or any other obligations related to the financing account were \$2,471,259.89 at an interest rate of 7.63% and \$1,501,836.87 at an interest rate of 7.37%.

The Bank did not have an excess of fiscal year 1992 loan advances from the financing account over amounts received from issuances of stocks, debentures, and other obligations. Consequently, no cost was incurred related to excess of advances over amounts received from issuances subject to 7 U.S.C. 948(b)(3)(D)(v).

Dated: October 28, 1992.

James B. Huff, Sr.,

Governor, Rural Telephone Bank.

TABLE 1A—LIQUIDATING ACCOUNT, RURAL TELEPHONE BANK COST OF MONEY RATE

Source of bank funds	Amount	Cost rate (percent)	Amount × cost rate	(Amount × rate)/ advances (percent)
FY 1992 Issuance of Class A Stock	\$0	2.00	\$0	0.0000
FY 1992 Issuance of Class B Stock	998,750	0.00	0	0.0000
FY 1992 Issuance of Class C Stock	4,525	7.50	339	0.0004
FY 1992 Issuance of Debentures and Other Obligations	0		0	0.0000
Excess of Total Advances Over 1992 Issuances	83,937,547	6.21	5,212,522	6.1367
Total FY 1992 Advances	84,940,822			
Calculated Cost of Money Rate				6.14
Minimum Cost Rate Allowable				5.00



TABLE 1B—FINANCING ACCOUNT, RURAL TELEPHONE BANK COST OF MONEY RATE

Source of bank funds	Amount	Cost rate (percent)	Amount × cost rate	(Amount × rate)/ advances (percent)
FY 1992 Issuance of Class A Stock .....	\$0	2.00	\$0	0.0000
FY 1992 Issuance of Class B Stock .....	193,155	0.00	0	0.0000
FY 1992 Issuance of Class C Stock .....	0	7.50	0	0.0000
FY 1992 Issuance of Debentures and Other Obligations: <sup>1</sup> .....	2,471,260	7.63	189,557	4.6486
	1,501,837	7.37	110,685	2.7288
Excess of Total Advances Over 1992 Issuances .....	0	n.a.	0	0.0000
Total FY 1992 Advances .....	4,056,250			
Calculated Cost of Money Rate .....				7.38
Minimum Cost Rate Allowable .....				5.00

<sup>1</sup> Amount borrowed represents cash advances of \$3,863,095 plus Class B stock of \$193,155 less the subsidy of \$83,153 (2.05% of advances).

TABLE 2—RURAL TELEPHONE BANK HISTORICAL COST OF MONEY LIQUIDATING ACCOUNT

Fiscal year	Bank cost of money (percent)	Bank loan advances	Advances × cost rate	(Advances × cost rate)/ total advances (percent)
1974 .....	5.01	111,022,574	5,562,231	0.275
1975 .....	5.85	130,663,197	7,643,797	0.378
1976 .....	5.33	99,915,066	5,325,473	0.263
1977 .....	5.00	80,907,425	4,045,371	0.200
1978 .....	5.87	142,297,190	8,352,845	0.413
1979 .....	5.93	130,540,067	7,741,026	0.383
1980 .....	8.10	199,944,235	16,195,483	0.800
1981 .....	8.46	148,599,372	14,057,501	0.695
1982 .....	8.39	112,232,127	9,416,275	0.465
1983 .....	6.99	93,402,836	6,528,858	0.323
1984 .....	6.55	90,450,549	5,924,511	0.293
1985 .....	5.00	72,583,394	3,629,170	0.179
1986 .....	5.00	71,852,383	3,592,619	0.178
1987 .....	5.00	51,974,838	2,598,747	0.128
1988 .....	5.00	119,488,367	5,974,418	0.295
1989 .....	5.00	97,046,947	4,852,347	0.240
1990 .....	5.00	107,894,991	5,384,750	0.266
1991 .....	5.43	163,143,075	8,858,669	0.438
Total Advances .....		2,023,758,733		
Cost of Money Rate .....				6.21

[FR Doc. 92-26594 Filed 11-2-92; 8:45 am]  
BILLING CODE 3410-15-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-427-098]

#### Anhydrous Sodium Metasilicate from France; Final Results of Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On August 12, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on anhydrous sodium metasilicate from France (57 FR 36064). The review covers one manufacturer/exporter of this

merchandise to the United States and the period January 1, 1991 through December 31, 1991. We have now completed the review and determine the dumping margin to be 60 percent for Rhone Poulenc Chime deBase (Rhone Poulenc).

**EFFECTIVE DATE:** November 3, 1992.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. Fargo or Robert J. Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-5253.

**SUPPLEMENTARY INFORMATION:** On August 12, 1992, the Department of Commerce (the Department) published in the Federal Register the preliminary results of its administrative review of the antidumping duty order on anhydrous sodium metasilicate (ASM) from France (57 FR 36064) covering the period January 1, 1991 through December 31, 1991. The Department has

now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Review

Imports covered by the review are shipments of ASM, a crystallized silicate (Na<sub>2</sub>SiO<sub>3</sub>) which is alkaline and readily soluble in water. Applications include waste paper de-inking, ore-flotation, bleach stabilization, clay processing, medium or heavy duty cleaning, and compounding into other detergent formulations. This merchandise is classified under Harmonized Tariff Schedules (HTS) item numbers 2839.11.00 and 2839.19.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive. The review covers Rhone Poulenc and the period January 1, 1991 through December 31, 1991.



**Use of Best Information Available**

We mailed the antidumping questionnaire to Rhone Poulenc, the only manufacturer/exporter of this merchandise to the United States. Since Rhone Poulenc failed to respond to our questionnaire, we have decided to use the best information available (BIA) for this firm.

When a company refuses to cooperate with the Department or otherwise significantly impedes the proceeding, we use as BIA the higher of: (a) The highest of the rates found for any company in a previous administrative review or the less-than-fair-value investigation, or (b) the highest rate found in this review for any firm. See 19 CFR 353.37(b) and Final Results of Antidumping Duty Administrative Reviews; Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al., (June 24, 1992, 57 FR 28360). In this case, for BIA we used 60 percent, the firm's highest rate from the last reviewed period. See Final Results of Antidumping Duty Administrative Review; Anhydrous Sodium Metasilicate From France, (52 FR 33856, September 8, 1987).

**Analysis of Comments Received**

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

**Final Results of the Review**

As a result of this review, we determine the following dumping margin for the period January 1, 1991 through December 31, 1991:

Manufacturer/exporter	Margin (percent)
Rhone Poulenc.....	60

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the

company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) cash deposits for all other manufacturers or exporters will be the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on BIA. Since the rate for the only firm in this review is a BIA rate, the "all other" rate is the highest non-BIA rate in the most recent review or in the less-than-fair-value investigation in which such a rate was established. The all other rate is 60 percent.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: October 23, 1992.

Alan M. Dunn,  
Assistant Secretary for Import Administration.

[FR Doc. 92-26561 Filed 11-2-92; 8:45 am]  
BILLING CODE 3510-DS-M

**[A-588-045]**

**Carbon Steel Wire Rope From Japan; Determination Not to Revoke Antidumping Finding**

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of determination not to revoke antidumping finding.

**SUMMARY:** The Department of Commerce is notifying the public of its determination not to revoke the antidumping finding on carbon steel wire rope from Japan.

**EFFECTIVE DATE:** November 3, 1992.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Freilich or Wendy Frankel.

Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-3793.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 2, 1992, the Department of Commerce (the Department) published in the Federal Register (57 FR 45607) its notice of intent to revoke the antidumping finding on carbon steel wire rope from Japan. The Department may revoke an antidumping finding if the Secretary concludes that the finding is no longer of interest to interested parties. The Department has not received a request to conduct an administrative review of this finding for the most recent five consecutive annual anniversary months.

On October 16, 1992, the Committee on Domestic Steel Wire Rope and Specialty Cable Manufacturers, the petitioner, objected to the Department's intent to revoke this antidumping finding. Therefore, we no longer intend to revoke the antidumping finding.

This notice is in accordance with § 353.25(d)(4) of the Commerce Department's regulations (19 CFR 353.25(d)(4)).

Dated: October 23, 1992.

Joseph A. Spetrini,  
Deputy Assistant Secretary for Compliance.  
[FR Doc. 92-28672 Filed 11-2-92; 8:45 am]  
BILLING CODE 3510-DS-M

**[A-588-007]**

**Certain High-Capacity Pagers From Japan; Final Results of Antidumping Duty Administrative Review**

**AGENCY:** Import Administration/International Trade Administration, Department of Commerce.

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On August 12, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on certain high-capacity pagers from Japan. This notice covers two manufacturers/exporters for the periods August 1, 1985 through July 31, 1986 and August 1, 1986 through July 31, 1987.

There were no known shipments of this merchandise to the United States by Matsushita Communications Industrial Co. and NEC Corporation during the periods.

We gave interested parties an opportunity to comment on the preliminary results. We received no



comments. Therefore, our results remain unchanged from those presented in our preliminary results of review.

The Department of Commerce has determined that the rate for Matsushita Communications Industrial Co. is 109.00 percent, and that the rate for NEC Corporation is 70.35 percent.

**EFFECTIVE DATE:** November 3, 1992.

**FOR FURTHER INFORMATION CONTACT:**

Philip C. Marchal or Maureen A. Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; (202) 482-5505.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 12, 1992, the Department of Commerce (the Department) published in the *Federal Register* (57 FR 36067) the preliminary results of the 1985-87 administrative review of the antidumping duty order on high-capacity pagers from Japan (48 FR 37058, August 16, 1983). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act), and 19 CFR 353.22 (1992).

**Scope of the Review**

Imports covered by this review are shipments of certain high-capacity pagers from Japan. The term "high-capacity pagers" covers tone-only paging signal receivers, 3,000 or more of which can be operated in a paging system on a single radio frequency channel. Prior to January 1, 1989, the merchandise was classified under items 685.1686 and 685.7036 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under item numbers 8527.90.80 and 8531.80.00 of the Harmonized Tariff Schedules (HTS). TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive. The review covers two manufacturers/exporters of certain high-capacity pagers from Japan, Matsushita Communications Industrial, Co. (MCI) and NEC Corporation (NEC), and the periods August 1, 1985 through July 31, 1986 and August 1, 1986 through July 31, 1987.

On March 13, 1992, the Department issued the results of a scope inquiry determining that parts and/or subassemblies imported from Japan and used for the manufacturing/assembly of high-capacity pagers are outside the scope of the order.

**Final Results of Review**

We received no comments on our preliminary results of review. MCI and NEC made no shipments to the United States of the subject merchandise during the periods of review. Consequently, we have determined that the following margins exist for the periods August 1, 1985 through July 31, 1986, and August 1, 1986 through July 31, 1987:

Manufacturer/exporter	Margin (percent)
Matsushita Communications Industrial Co., Ltd.....	* 109.00
NEC Corporation.....	* 70.35

\* No shipments during the period; margins are from the last period in which there were shipments.

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of certain high-capacity pagers from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be as listed above; (2) For previously reviewed or investigated companies with company-specific rates not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) If the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) The cash deposit rate for all other manufacturers or exporters will be the "all others" rate. This rate normally represents the highest rate for any firm with shipments in the administrative review, other than those firms receiving a rate based entirely on best information available. The highest rate is the administrative review is 109.00 percent, the rate for MCI.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent

assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: October 23, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-26560 Filed 11-2-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-401]

**Red Raspberries From Canada; Final Results of the Antidumping Duty Administrative Review, and Revocation in Part of the Antidumping Duty Order**

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Red Raspberries from Canada—Notice of final results of the antidumping duty administrative review, and revocation in part of the antidumping duty order.

**SUMMARY:** On April 16, 1992 (57 FR 13331), the Department published the preliminary results of its administrative review of the antidumping duty order on red raspberries from Canada. The review covers ten processors/exporters of this merchandise to the United States during the period June 1, 1990 through May 31, 1991.

Based on our analysis of the comments received, we have now completed that review and have determined margins ranging from zero to *de minimis* for those companies not receiving a rate based on best information available (BIA). See the **Final Results of the Review** section of this notice for the information on margins and cash deposit requirements for reviewed companies.

In accordance with §§ 353.25(a) and 353.25(b) of the Department regulations, B.C. Blueberry Cooperative Association (B.C. Blueberry) has met the requirements for revocation. B.C. Blueberry has demonstrated three consecutive years of sales at not less than foreign market value and has submitted the required certifications. Furthermore, it is not likely that B.C. Blueberry will sell the subject merchandise at less than foreign market value in the future. Therefore, the Department is revoking the order with respect to B.C. Blueberry.

**EFFECTIVE DATE:** November 3, 1992.



**FOR FURTHER INFORMATION CONTACT:** Sylvia Chadwick, Anne D'Alauro, or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-2786.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 16, 1991, the Department of Commerce (the Department) published in the *Federal Register* (56 FR 13331), the notice of preliminary results of its administrative review of the antidumping duty order on certain red raspberries from Canada (50 FR 26019; June 24, 1985) for the period June 1, 1990 through May 31, 1991. The Department has now completed the administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

The review covers ten processors/exporters of Canadian red raspberries and the period June 1, 1990 through May 31, 1991. Pacific Coast Fruit Products reported no shipments during the review period. East Chilliwack, Sabolay, and BB Fruit companies responded that they were no longer in business and had ceased exporting raspberries to the United States well before the review period. The Department confirmed the absence of imports from these companies with the U.S. Customs Service. Any future imports from these companies will be assigned a cash deposit rate in accordance with the hierarchy outlined in the **Final Results of the Review** section of this notice. Two processors/exporters, Valley Berries and Marco Estates/Landgrow, did not respond to the Department's questionnaire; therefore, we are using best information available (BIA) for those companies. For the four remaining companies, we found zero or *de minimis* margins. The review of Jesse Processing was terminated following a timely withdrawal of their request (57 FR 13331).

**Scope of the Review**

Imports covered by this review are shipments of fresh and frozen red raspberries packed in bulk containers and suitable for further processing. These products are classifiable under the Harmonized Tariff Schedule (HTS) item numbers 0810.20.90, 0810.20.10, and 0811.20.20. The HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

**Analysis of Comments Received**

We gave interested parties an opportunity to comment on our

preliminary results and held a hearing on June 1, 1992. We received case and rebuttal briefs from the petitioners—the Washington Red Raspberry Commission and the Red Raspberry Regional Relations Committee of the Oregon Caneberry Commission (collectively the Red Raspberry Commissions); and the following reviewed Canadian companies—B.C. Blueberry Co-op, Clearbrook Packers Inc., Mukhtiar & Sons Packers Ltd., Universal Packers Inc., and Valley Berries Inc.

*Comment 1:* Respondents argue that there is no substantial evidence on the record to support the Red Raspberry Commissions' standing as interested parties. Respondents assert that the Commissions have not demonstrated that either their membership or status qualifies them as interested parties in accordance with 19 U.S.C. 1677(9). Therefore, the Department should reject the case brief submitted on their behalf.

*Department's position:* The Red Raspberry Commissions were co-petitioners in the original investigation and parties to the proceeding in subsequent administrative review. During the 1988-89 administrative review, respondents challenged the Red Raspberry Commissions' status as interested parties in the context of an application for disclosure of proprietary information under an administrative protective order. In response, the Department reaffirmed the Commissions' status as interested parties. See Red Raspberries from Canada—Notice of Final Results of Antidumping Duty Administrative Review (56 FR 677; January 8, 1991); see also Red Raspberries from Canada—Notice of Final Results of Antidumping Duty Administrative Review (56 FR 37527; August 7, 1991). Respondents have not submitted any new evidence concerning the Red Raspberry Commissions' status as interested parties. Therefore, there is no justification for the Department to review its prior determination with regard to petitioners' standing.

*Comment 2:* Petitioners argue that the Department is legally prohibited from revoking the order with respect to B.C. Blueberry because the Department failed to publish notice of the request for revocation with the notice of initiation, in accordance with 19 CFR 353.25(c)(2)(i). Relying on *Belton Industries, Inc. v. United States*, No. 90-90-00474, Slip Op. 92-39 (CIT 1992), petitioners argue that the requirement for publishing notice of a request for revocation is not discretionary and failure to publish the notice of request for revocation prevents interested parties from fully participating in the

review and revocation process. Therefore, absent publication of the notice, revocation is illegal.

B.C. Blueberry argues that the petitioner was served a copy of the actual letter requesting revocation and, therefore, was not prejudiced by the failure to publish notice of its revocation request with the notice of initiation. Lack of prejudice is demonstrated by petitioner's active participation at every phase of the review.

*Department's Position:* The Department agrees with the respondent, B.C. Blueberry. Petitioners' reliance on *Belton Industries* is misplaced. There are two types of notice requirements: (1) Requirements to provide general notice to the public through publication in the *Federal Register*; and (2) requirements to serve notice directly on interested parties. The *Belton Industries* case dealt with a failure to fulfill properly the latter type of notice requirement. In contrast, respondent B.C. Blueberry served petitioners and all interested parties in this proceeding with a copy of its request for revocation. Because all interested parties received notice of the request for revocation through direct service, failure to publish notice of the request in the *Federal Register* was not prejudicial. In addition, the Department published in the *Federal Register*, together with the notice of the preliminary results of the review, notice of its intent to revoke and a request for comments. Petitioners submitted comments on revocation and otherwise have actively participated in the review and revocation process. Because petitioners received notice of the request for revocation and have actively participated in the proceedings without prejudice, there is no basis on which to invalidate the revocation.

*Comment 3:* Petitioners assert that the Department cannot legally revoke the order with respect to B.C. Blueberry because B.C. Blueberry has not demonstrated sales of the merchandise at not less than foreign market value (FMV) for a period of at least three consecutive years. Petitioners argue that the Department's calculation of a 0.05 percent margin for B.C. Blueberry in the 1988/89 review, demonstrates that B.C. Blueberry made some U.S. sales at prices below FMV. Petitioners do not dispute that, pursuant to 19 CFR 353.6(a), the Department may disregard any *de minimis* margin. However, petitioners argue that the question is whether B.C. Blueberry has satisfied the explicit revocation requirements of 19 CFR 353.25(a)(2) which requires the Department to conclude that the foreign producers covered by the order has not



sold the subject merchandise at less than FMV for a minimum of three consecutive years. Petitioners argue that that question does not involve application of the *de minimis* rule.

Respondents agree with the Department's preliminary determination that B.C. Blueberry has satisfied the revocation requirements of § 353.25(a)(2).

*Department's position:* For purposes of eligibility for revocation, the Department considers a weighted-average *de minimis* margin to be equivalent to a zero margin for all sales, regardless of the actual margin on individual sales. B.C. Blueberry has had a weighted-average *de minimis* or a zero margin for at least three consecutive years of review. Further, B.C. Blueberry timely requested revocation and submitted the required certification and agreement that it will not sell the subject merchandise at less than FMV in the future. Therefore, the Department is satisfied that B.C. Blueberry has met all the requirements for revocation under 19 CFR 353.25(a)(2).

*Comment 4:* Valley Berries submitted two affidavits from company officials attesting that they did not receive the antidumping questionnaire from the Department; nor did they receive notification from the Department by mail, telephone, telegraph, commercial courier or any other means, of the existence or mailing of the questionnaire, or of the fact that they would be expected or required to complete a questionnaire in this administrative review. Valley Berries asserts that it first received a questionnaire on May 8, 1992, when a copy was provided by the company's counsel. On May 18, 1992, Valley Berries submitted a questionnaire response as an attachment to their case brief. Valley Berries argues that, in accordance with 19 CFR 353.31(b)(4), their May 18, 1992 questionnaire response was timely submitted within 60 days after the date they received the questionnaire and should be considered in this administrative review.

Valley Berries also requests that the Department bifurcate this proceeding to allow the Department time to calculate separately a margin for their company without impeding the review process for other parties.

Petitioners argue that Valley Berries' questionnaire response is untimely. Petitioners further argue that the factual information concerning non-receipt of the questionnaire is "new information," which is untimely and should be removed from the record.

*Department's position:* In accordance with 19 CFR 353.22(c), the Department

published a Notice of Initiation (56 FR 33251; July 19, 1991), which listed Valley Berries as a company to be reviewed. Valley Berries has admitted knowledge of the notice (see Transcript of Hearing on June 1, 1992 at 40). The Department sent a questionnaire to Valley Berries by registered mail, return receipt requested. According to information provided by the Canadian postal facility in Abbotsford, B.C., two postcards were mailed to Valley Berries providing notice that a registered item was being held for them at the postal facility. After 30 days, the postal facility returned the package to the Department marked "unclaimed." After trying unsuccessfully to telephone Valley Berries, the Department confirmed by telephone call with B.C. Raspberry Growers Association that Valley Berries was still in business and the address and telephone number in our file was correct. Our telephone calls to Valley Berries were not answered.

On May 7, 1992, after the publication of the preliminary results of review (57 FR 13331; April 16, 1992), a notice of appearance was filed by counsel on behalf of Valley Berries, and on May 18, 1992, counsel submitted a case brief, attaching a questionnaire response. By letter dated May 28, 1992, the Department rejected the questionnaire response as untimely. That letter explained that Valley Berries' response did not fall within the deadline governing the timely submission of questionnaire responses (19 CFR 353.31(b)(4)). Although the letter also noted that the response was outside the deadline for submission of factual information (19 CFR 353.31(a)(1)(ii)), that provision does not govern the submission of questionnaire responses. The specific provision governing the timely submission of questionnaire responses is dispositive. Because the questionnaire response was untimely, it was not made a part of the record of this proceeding and was not considered in the final results of review.

In determining whether Valley Berries' questionnaire response was timely submitted, the Department found it necessary to consider the factual information submitted by Valley Berries concerning non-receipt of the questionnaire. The Department is, therefore, retaining that factual information in the record.

*Comment 5:* Valley Berries contends that, if the Department deems the questionnaire response untimely, it is still inappropriate to apply a BIA rate to Valley Berries because the Department may not resort to BIA unless the party against which BIA is applied has failed to comply with an information request.

Valley Berries claims that it has not failed to comply with an information request because it did not receive the Department's questionnaire and was not given an opportunity to provide the requested information. Further, Valley Berries argues that the Department's use of the highest rate ever found for any company under this order is punitive and should be used only in cases where a company refuses to cooperate. Valley Berries argues that there is no basis for characterizing the company as uncooperative during this review, nor is there a rational basis for imputing a margin of 22.76 percent to a company whose previous margin was 1.77 percent.

*Department's position:* Section 776(c) of the Act requires the Department to use BIA "whenever a party or any other person refuses or is unable to produce information requested in a timely manner or in the form required, or otherwise significantly impedes an investigation." The Department has discretion in selecting BIA, which is determined on a case-by-case basis. In making that determination, the Department may take into account whether a party has refused to provide requested information. 19 CFR 353.37(b).

The Department sent Valley Berries a questionnaire by registered mail, and the Canadian postal facility sent to Valley Berries two notices of registered mail delivery. It is reasonable for the Department to presume that Valley Berries received those notices, absent a reasonable explanation to the contrary. Valley Berries has failed to offer any explanation for why it would not have received either of the two delivery notices, or if it did receive notice of delivery, why it failed to claim the questionnaire. Thus, there is no justification for relieving Valley Berries of responsibility for failing to respond to the Department's request for information in a timely manner. The Department's selection of the BIA rate was reasonable given Valley Berries' failure to respond to the Department's questionnaire. If the Department had used the highest rate found for other companies that had fully complied with the Department's information requests in this review, the Department would have rewarded Valley Berries for its non-participation in the review process because the cooperating companies all had zero or *de minimis* margins. If the Department had used the rate previously determined for Valley Berries, the Department would encourage noncompliance with information requests by companies satisfied with existing rates. See Final Results of Antidumping Duty



Administrative Review, Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany (56 FR 31692; July 11, 1991). Therefore, in accordance with established practice, because Valley Berries did not produce any of the information requested in a timely manner, the Department selected the highest rate ever found for a company under this order as the appropriate BIA rate for Valley Berries.

*Comment 6:* Petitioners contend that the Department cannot make fair value comparisons between B.C. Blueberry's sales of jam berries sold in the home market (HM) and juice berries sold in the U.S. because B.C. Blueberry's claimed difference in merchandise (difmer) adjustment exceeds 20 percent of the cost of manufacturing the merchandise sold in the United States. Petitioners argue that, pursuant to 19 U.S.C. 1677(16)(C)(iii), the Department has adopted a guideline for determining whether merchandise "may reasonably be compared." Under that guideline, the Department does not normally compare merchandise if the difmer adjustment would be greater than 20 percent of the cost of manufacturing the U.S. product. Petitioners further argue that in the absence of verified constructed value (CV) information, the Department must base FMV on BIA which petitioners claim is B.C. Blueberry's November 1990 HM sale of juice berries.

B.C. Blueberry agrees that the 20 percent policy is a guideline used to determine whether, within the meaning of the Act, a product sold to the U.S. is "similar" to a product sold in the HM. However, B.C. Blueberry argues that the policy is not applicable in this case because the Department has consistently determined that juice and jam berries are "similar," and petitioner has submitted no new information that would justify the Department now concluding otherwise. Further, B.C. Blueberry argues that the 20 percent guideline has no application with regard to agricultural commodities where the commodities are similar except for differences in grade. Also, B.C. Blueberry argues that the Department cannot resort to BIA to determine FMV because B.C. Blueberry has not failed to respond to any of the Department's requests for information. Because there is no basis for using BIA, if the Department determines that jam and juice sales are not comparable, it will have to resort to CV because B.C. Blueberry has not made any contemporaneous sales of such or similar merchandise (see Comment 8).

*Department's position:* The Department has established policy practices for determining when to make and how to quantify adjustments for differences in merchandise (difmer) when comparing sales of similar merchandise. These practices apply to all types of products including agricultural commodities, and will be implemented for current reviews if the necessary information is available and the case will not be delayed.

Under these practices, the Department normally does not consider merchandise to be reasonably comparable if the difmer adjustment is greater than 20 percent of the cost of manufacturing (COM) the product sold in the U.S. However, the Department recognizes that there may be limited circumstances in which a difmer adjustment greater than 20 percent is appropriate.

In the investigation and past reviews of this order, the Department has consistently found jam and juice berries to be comparable and allowed a difmer adjustment reflecting the differences in the variable costs of manufacturing between the two berries, including the difference in their acquisition costs. During this period of review (POR), although the physical differences and similarities between the two grades of berries remained the same as in past reviews, the difference in the acquisition costs of jam and juice berries was more than 20 percent of the COM of juice berries which were sold to the United States. This issue was only raised after the issuance of the preliminary results of this review. The Department does not have all of the information required to calculate CV, and gathering the necessary data would impose an administrative burden on both the Department and the companies and further delay the proceedings. For this reason, the Department will continue, in this review, to compare jam and juice berries with the difmer adjustment. However, if cost differentials greater than 20 percent persist in subsequent reviews, the Department will review this issue in accordance with current Department policy.

Because the Department has determined that jam and juice berries can reasonably be compared, petitioners argue that the Department should use the November 1990 sale as BIA is moot.

*Comment 7:* Petitioners contend that the Department should not allow B.C. Blueberry's claimed difmer adjustment because B.C. Blueberry sold juice berries at a higher price than jam berries in the home market. Petitioners argue that according to § 353.57 of the

Department's regulations, a difmer will be allowed for the difference in physical characteristics of merchandise to the extent that the amount of any price differential is wholly or partly due to such difference. Because B.C. Blueberry sold lower grade juice berries for more than higher grade jam berries, petitioners conclude that the price differential is not due to physical differences. Therefore, the Department should not allow the claimed difmer adjustment.

Respondents argue that the juice berries sold in the home market were purchased by B.C. Blueberry in the open market from another packer who had purchased and packed the raspberries. B.C. Blueberry simply resold the berries to their customer. Because B.C. Blueberry was not the producer, the price commanded for a sale of berries purchased in the open market bears no relationship to the difmer adjustment, which is based on B.C. Blueberry's COM. Respondents also note that the juice sale was low volume while the jam sale was high volume.

*Department's position:* The purpose of the difmer is to adjust for the differences in price between similar products attributable to differences in the physical characteristics of the products. The difmer adjustment is based on the differences in the producer's variable costs of manufacturing similar products. B.C. Blueberry did not produce the juice berries in question. Therefore, neither the production costs of the resale berries nor B.C. Blueberry's final sale price of these berries bears any relationship to B.C. Blueberry's own production costs.

*Comment 8:* In a comment submitted to state its position on the record, B.C. Blueberry argues that the Department misclassified the November 1990 sale of juice stock raspberries as "such or similar" merchandise within the meaning of 19 U.S.C. 1677(16) because the merchandise was not produced by B.C. Blueberry. B.C. Blueberry purchased the already processed berries from another producer and re-sold them to their customer in the home market.

Petitioners state that 19 U.S.C. 1677(16)(A) refers to both "the merchandise which is the subject of an investigation," and also "other merchandise which is identical in physical characteristics with, and was produced in the same country by the same person as, that merchandise." Petitioners argue that there is no requirement that the "merchandise which is the subject of an investigation" be produced by the same person. Further, petitioners argue that the Department's regulations cover both



producers and resellers. The term "reseller" is defined in § 353.2(s) of Department's regulations as "any person (other than the producer) whose sales the Secretary uses to calculate foreign market value or U.S. price, including the foreign reseller or exporter." B.C. Blueberry acknowledges that it acted as a "reseller" of the juice berries. Therefore, in accordance with Department regulations, it is appropriate for the Department to base FMV for B.C. Blueberry, a reseller, on its November 1990 home market sale.

*Department's position:* We verified that the home market sale of juice berries was a resale of processed berries purchased from a Canadian producer/processor. Because that November 1990 home market sale was not contemporaneous with any sale to the United States, the Department did not use this sale when comparing U.S. sales to HM sales. For purposes of this review, the argument is, therefore, moot.

*Comment 9:* Respondent, Universal Packets Inc. (Universal), claims that the Department should use Universal's March 1990 HM sales as the basis of comparison with Universal's two June 1990 U.S. sales rather than Universal's July 1990 third country sale.

Respondents do not challenge the Department's determination that Universal's home market was not viable because there were no HM sales during the POR. However, respondents argue that the 90/60 day rule authorizes the comparison of U.S. sales to HM sales 90 days preceding and 60 days after the U.S. sale. See Certain Circular Welded Carbon Steel Pipes and Tubes from Thailand, Notice of Final Results of Antidumping Duty Administrative Review (56 FR 58355; November 19, 1991). Therefore, the HM viability analysis should also be extended 90/60 days beyond the POR to include the entire period of "contemporaneous" HM sales. If the Department extends the viability period, Universal's home market would be viable. The June 1990 U.S. sales would then be compared to the voluminous March 1990 HM sales, and the *de minimis* margin would decrease to zero.

*Department's position:* In accordance with 19 CFR 353.48(a), the Department considers the HM to be non-viable if there are inadequate HM sales during the POR (normally less than five percent of the amount sold to third countries). Nothing in the statute or regulations requires that the "pool" of sales used to determine HM viability be the same as the pool of sales used for specific price comparisons. *U.H.F.C. v. United States*, 916 F.2d 689 (Fed Cir. 1990); *Kerr McGee*

*Chemical Corporation v. United States*, 741 F. Supp. 947 (CIT 1990). The viability test is a macro-level indicator of home market activity during the POR for the products under review. It is performed at the early stages of a review to determine the appropriate foreign market on which to base FMV. In contrast, price comparisons are intended to determine dumping margins at the micro-level. The 90/60 day rule is intended to increase the accuracy of those micro-level comparisons by allowing for "contemporaneous" comparisons, even though the HM sale is outside the POR. Given the different goals of the viability test and the 90/60 day rule, it is not necessary that the same pool of transactions be used for both. The focus of an administrative review is imports during the twelve-month POR. Therefore, in determining whether the HM is the appropriate foreign market for comparison purposes, it is reasonable to base the viability assessment solely on the POR, regardless of whether there are HM sales outside the POR that could be used for price comparisons.

*Comment 10:* Universal argues that the previous season's difference in acquisition costs of raspberries should be applied to Universal's June 1990 U.S. sales of juice raspberries because those berries were purchased by Universal during the previous POR and simply were sold from existing inventory during the current POR. By applying the previous season's difmer, proper allowance is made for the lower cost of purchasing juice stock raspberries during the earlier season. If the Department allows the previous difmer adjustment, the margin will decrease from *de minimis* to zero.

*Department's position:* The Department calculates a difmer adjustment for the comparison of similar merchandise for the POR. That difmer adjustment is then applied to all such comparison sales during the POR. Separate difmer adjustments are not calculated for each of these individual transactions. Otherwise, the Department would be required to track the movement of all merchandise into and out of inventory as well as each period's respective cost for the same merchandise. The difmer applied to Universal's sales during this POR was calculated based on the average cost data for the current POR submitted in the company's questionnaire response.

*Comment 11:* Respondents point out that the Department did not deduct any home market indirect selling expenses in the FMV calculation for Mukhtiar's exporter's sales price (ESP) sales. If the

Department makes this correction, the negative margin will increase.

*Department's position:* The correction has been made. The rate for Mukhtiar remains zero.

#### Final Results of the Review

As a result of our comparison of United States price to FMV, we determine that the following margins exist for the review period:

Processor/exporters	Margin (percent) 6/1/90-5/31/91
BC Blueberry Co-op .....	0
Clearbrook Packers .....	0
Mukhtiar & Sons .....	0
Marco Estates/Landgrow .....	22.76
Universal Packers .....	0.20
Valley Berries .....	22.76

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be zero percent. This rate represents the highest rate for any firm with shipments in the administrative review, other than those firms receiving a rate based entirely on BIA. Because the highest non-BIA rate is *de minimis*, the cash deposit rate is zero. Pacific Coast Fruit Products does not have a company-specific rate because they reported no shipments during this review period, or during any periods in which they were previously reviewed.



Their cash deposit rate will, therefore, be the "all other" rate established in this review.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: October 23, 1992.

Alan M. Dunn,  
Assistant Secretary for Import  
Administration.

[FR Doc. 92-26673 Filed 11-2-92; 8:45 am]  
BILLING CODE 3510-DS-M

[C-333-502]

### Deformed Steel Concrete Reinforcing Bar From Peru; Intent To Revoke Countervailing Duty Order

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of intent to revoke countervailing duty order.

**SUMMARY:** The Department of Commerce is notifying the public of its intent to revoke the countervailing duty order on deformed steel concrete reinforcing bar from Peru. Interested parties who object to this revocation must submit their comments in writing not later than November 30, 1992.

**EFFECTIVE DATE:** November 3, 1992.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Stroup or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-0983 or 482-1767.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 27, 1985, the Department of Commerce ("the Department") published a countervailing duty order on deformed steel concrete reinforcing bar from Peru (50 FR 48819).

The Department has not received a request to conduct an administrative review of the countervailing duty order on deformed steel concrete reinforcing bar from Peru for more than four consecutive annual anniversary months.

In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. Accordingly, as required by § 355.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this order.

#### Opportunity To Object

Not later than November 30, 1992, interested parties, as defined in § 355.2(i) of the Department's regulations, may object to the Department's intent to revoke this countervailing duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties neither request an administrative review (pursuant to the Department's notice of opportunity to request administrative review), nor object to the Department's intent to revoke by November 30, 1992, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 355.25(d)(4)(i).

Dated: October 28, 1992.

Joseph A. Spetrini,  
Deputy Assistant Secretary for Compliance.  
[FR Doc. 92-26772 Filed 11-2-92; 8:45 am]  
BILLING CODE 3510-DS-M

[C-357-048]

### Certain Textiles and Textile Products From Argentina; Intent To Revoke Countervailing Duty Order

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of intent to revoke countervailing duty order.

**SUMMARY:** The Department of Commerce is notifying the public of its intent to revoke the countervailing duty order on certain textiles and textile products from Argentina. Interested parties who object to this revocation

must submit their comments in writing not later than November 30, 1992.

**EFFECTIVE DATE:** November 3, 1992.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Stroup, Lorenza Olivas, or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-0983 or 482-1775.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department of Commerce (the Department) has not received a request to conduct an administrative review of the countervailing duty order on certain textiles and textile products from Argentina (48 FR 53421; November 16, 1978) for more than four consecutive annual anniversary months.

In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. Accordingly, as required by § 355.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this order.

#### Opportunity to Object

Not later than November 30, 1992, interested parties, as defined in § 355.2(i) of the Department's regulations, may object to the Department's intent to revoke this countervailing duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties neither request an administrative review (pursuant to the Department's notice of opportunity to request administrative review), nor object to the Department's intent to revoke the order by November 30, 1992, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 355.25(d)(4)(i).

Dated: October 30, 1992.

Joseph A. Spetrini,  
Deputy Assistant Secretary for Compliance.  
[FR Doc. 92-26771 Filed 11-2-92; 8:45 am]  
BILLING CODE 3510-DS-M



## National Institute of Standards and Technology

[Docket No. 921031-2231]

### Precision Measurement Grants

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Announcing continuation of the NIST Precision Measurement Grants Program.

(Catalog of Federal Domestic Assistance Name and Number: Measurement and Engineering Research and Services; 11.609.)

**SUMMARY:** The purpose of this notice is to inform potential applicants that the National Institute of Standards and Technology (NIST) is continuing a program of research grants, formally titled Precision Measurement Grants, to scientists in U.S. academic institutions for significant, primarily experimental research, in the field of precision measurement and fundamental constants. Applications are now being accepted for two new NIST Precision Measurement Grants to be awarded beginning October 1, 1993 (fiscal year 1994). Each grant is in the amount of \$50,000 per year, renewable at NIST's option for up to two additional years.

**CLOSING DATE FOR APPLICATIONS:** February 1, 1993, is the deadline for applying for the FY 94 awards.

**FOR FURTHER INFORMATION CONTACT:** Dr. Barry N. Taylor, Chairman, NIST Precision Measurement Grants Committee, Bldg. 221, rm. B160, National Institute of Standards and Technology, Gaithersburg, MD 20899, (301) 975-4220.

**SUPPLEMENTARY INFORMATION:** As authorized by section 2 of the Act of March 3, 1901 as amended (15 U.S.C. 272), the National Institute of Standards and Technology (NIST) conducts directly, and through grants and contracts, a basic and applied research program in the general area of precision measurement and the determination of fundamental constants of nature. As part of this research program, NIST has since 1970 awarded Precision Measurement Grants to scientists in U.S. academic institutions for significant, primarily experimental research in the field of precision measurement and fundamental constants.

NIST is now accepting applications for two new grants in the amount of \$50,000 per year to be awarded for the period October 1, 1993, through September 30, 1994 (fiscal year 1994). Each grant may be renewed for up to two additional years; however, future or continued funding will be at the discretion of NIST based on such factors

as satisfactory performance and the availability of funds.

NIST sponsors these grants to encourage basic, measurement-related research in U.S. colleges and universities and to foster contracts between NIST scientists and those researchers in the U.S. academic community who are actively engaged in such work. The Precision Measurement Grants are also intended to make it possible for workers in U.S. academic institutions to pursue new measurement ideas for which other sources of support maybe difficult to find. The Precision Measurement Grants Program does not involve the payment of any matching funds and does not directly affect any state or local government. Accordingly, NIST has determined that Executive Order 12372 is not applicable to the Precision Measurement Grants Program. This notice does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

#### Research Topics/Who May Apply

There is considerable latitude in the kind of research projects that will be considered for support under the Precision Measurement Grants Program. The key requirement is that they are consistent with NIST's mission in the field of basic measurement science, for example:

Experimental and theoretical studies of fundamental physical phenomena to test the basic laws of physics or which may lead to improved or new fundamental measurement methods and standards.

The determination of important fundamental physical constants.

The development of new standards for physical measurement of the highest possible precision and accuracy.

In general, proposals for experimental research will be given preference over proposals for theoretical research because of the greater expense of experimental work. Proposals from workers at the assistant and associate professor level who have some record of accomplishment are especially encouraged in view of the comparative difficulty aspiring researchers have in obtaining funds.

Typical projects which have been funded through the NIST Precision Measurement Grants Program include:

"Measurement of fundamental constants using three-level resonances in hydrogen," Carl E. Wieman, University of Michigan.

"Quantum limited measurement of a harmonic oscillator," William C. Oelfke, University of Central Florida.

"Fine-Structure constant determination using precision Stark spectroscopy," Michael G. Littman, Princeton University.

"Eötvös experiment-cryogenic version," D. F. Barlett, University of Colorado.

"A test of local Lorentz invariance using polarized <sup>21</sup>Ne nuclei," T.E. Chupp, Harvard University.

"A new method to search for an electric dipole moment of the electron," L. R. Hunter, Amherst College.

"High precision timing of millisecond pulsars," D. R. Stinebring, Princeton University.

"Precision optical spectroscopy of positronium," S. Chu, Stanford University.

"Quantum-limited cooling and detection with stored ions," D. J. Heinzen, University of Texas/Austin.

*Eligibility:* U. S. Universities and colleges.

#### Procedures

To simplify the proposal writing and evaluation process, the following selection procedure will be used:

Candidates are requested to submit a preapplication proposal to NIST by February 1, 1993 using Standard Form 424 (Rev. 4-88) with a description of their proposed work of no more than five double spaced pages. Standard Form 424A (4-88) and 424B (4-88) are also required.

Three copies should be sent to Dr. Barry N. Taylor at the address shown above.

On the basis of this material, four to eight semi-finalist candidates will be selected by the NIST Precision Measurement Grants Committee and the Outside Review Committee to submit more detailed proposals. The same committees will evaluate the detailed proposals, and on the basis of their evaluation, the two grantees for fiscal year 1994 will be selected. The semi-finalists will be notified of their status by March 22, 1993, and will be requested to submit their full proposals to NIST by May 7, 1993. The successful grantees will be notified of their selection by August 15, 1993.

The criteria to be used in evaluating the preapplication proposals and full proposals include:

1. Importance of the proposed research to science—does it have the potential of answering some currently pressing question or of opening up a whole new area of activity?

2. The relationship of the proposed research to measurement science—is there a possibility that it will lead to a new or improved fundamental



measurement method, basic measurement unit, or physical standard? (Or to a better understanding of important, but already existing, measurement methods, measurement units, or physical standards?)

3. The feasibility of the research—is it likely that significant progress can be made in a three year time period with the funds and personnel available?

4. The past accomplishment of the applicant—is the quality of the research previously carried out by the prospective grantee such that there is a high probability that the proposed research will be successfully carried out?

Each of these factors are given equal weight in the selection process.

Technical Questions concerning the NIST Precision Measurement Grants Program may be directed to the above address or call Dr. Taylor on (301) 975-4220. Prospective candidates are urged to contact Dr. Taylor before preparing their preapplication proposal.

#### Paperwork Reduction Act

The standard forms 424, 424A and 424B referenced in this notice are subject to the Paperwork Reduction Act and are cleared under Office of Management and Budget (OMB) control numbers 0348-0043, 0348-0044 and 0348-0040.

#### Additional Requirements

Applicants should recognize that unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

Applicants should recognize that if they incur any costs prior to an award being made they do solely at their own risk of not being reimbursed by the Government. Applicants also should be notified that notwithstanding any verbal assurance that they may have received, there is no obligation on the part of DoC to cover pre-award costs.

All primary applicants must submit a Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations must be provided:

#### 1. Nonprocurement Debarment and Suspension

Prospective participants (as defined at 15 CFR part 28, section 105) are subject to 15 CFR part 28, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

#### 2. Drug Free Workplace

Grantees (as defined at 15 CFR part 28, section 605) are subject to 15 CFR part 28, subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

#### 3. Anti-Lobbying

Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

#### 4. Anti-Lobbying Disclosures

Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, appendix B.

Grant recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to DoC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DoC in accordance with the instructions contained in the award document.

All for-profit and nonprofit applicants will be subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or is presently facing, criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

Applicants are reminded that a false statement may be grounds for denial or termination of funds and grounds for possible punishment by fine or imprisonment. No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full,
2. A negotiated repayment schedule is established and at least one payment is received, or
3. Other arrangement satisfactory to DoC are made.

Applicants should be aware that all awards under this program shall be subject to all applicable Federal laws and Departmental regulations, policies, and procedures applicable to financial assistance awards.

#### Administrative Information

Contact: Grants Office, Office of Acquisition and Assistance Division, Building 301/rm. B143, National Institute of Standards and Technology, Gaithersburg, MD 20899, (301) 975-6328.

Dated: October 27, 1992.

John W. Lyons,  
Director.

[FR Doc. 92-26571 Filed 11-2-92; 8:45 am]  
BILLING CODE 3510-13-M

#### Fastener Quality Act Advisory Committee

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice of advisory committee meeting open to the public.

**SUMMARY:** The National Institute of Standards and Technology (NIST) will hold a meeting of the Fastener Advisory Committee on December 1 and 2, 1992. The meeting will be for the purpose of providing advice to the Department of Commerce, pursuant to statute, on the implementation of the Fastener Quality Act of 1990 (Pub. L. 101-592).

**DATES:** The meeting will be held on December 1, 1992 from 9 a.m. to 5 p.m., and on December 2, 1992 from 8:30 a.m. to 3 p.m., or earlier if so adjourned.

**ADDRESSES:** The meeting will be held at the Holiday Inn, Goshen Room, 2 Montgomery Avenue, Gaithersburg, MD.

**AGENDA:** To advise NIST on comments received from the public in response to Part II of the Federal Register Notice dated August 17, 1992.

**PUBLIC PARTICIPATION:** The meeting is open to the public. Attendance shall be on a first-come, first-serve basis in so far as seating is concerned, up to the reasonable and safe capacity of the meeting room. The public may file written statements with the Advisory Committee at any time before or after the meeting. An effort shall be made to set aside a portion of the meeting for public participation. To the extent that the meeting time and agenda permits, interested persons will be allowed to



present oral statements or to participate in the discussions.

**FOR FURTHER INFORMATION CONTACT:**

Mr. David E. Ederly, Deputy Director, Technology Services, National Institute of Standards and Technology, Building 221, Room A363, Gaithersburg, MD 20899, Telephone (301) 975-4500.

Dated: October 27, 1992.

John W. Lyons,  
Director.

[FR Doc. 92-26573 Filed 11-2-92; 8:45 am]

BILLING CODE 3510-13-M

**National Technical Information Service**

**Notice of Prospective Grant of Partially Exclusive Patent License**

This is notice in accordance with 35 U.S.C. 209(c)(1) and 36 CFR 404.7(a)(1)(i) that the National Technical Information Service (NTIS), U.S. Department of Commerce, is contemplating the grant of one or more partially exclusive licenses in the United States to practice the invention embodied in U.S. Patent 5,078,219 issued January 7, 1992, entitled "Concave Drag Bit Cutter Device and Method" to the following companies: Caterpillar Inc., 100 NE. Adams Street, Peoria, IL 61629, Kennametal Inc., Latrobe, PA 15650, and Philippi-Hagenbuch, Inc., 7424 Plank Road, Peoria, IL 61604. The patent rights in this invention have been assigned to the United States of America.

The prospective partially exclusive license(s) will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective license(s) may be granted within 60 days from the date of this published Notice, NTIS receives written evidence and argument which establish that the grant of the license(s) to any of the companies would not be consistent with the requirements of 35 U.S.C. 209 and 36 CFR 404.7.

The invention covers a concave drag bit cutter device which provides increased efficiency over conventional bits and can be utilized in continuous mining machines, saw blades, long wall shearers, and in cutting and mining operations.

The availability of the invention for licensing was published in the *Federal Register*, Vol. 57, No. 25 (February 6, 1992). A copy of the U.S. Patent may be obtained from U.S. Patent and Trademark Office, Washington, DC.

Inquiries, comments, and other materials relating to the contemplated license(s) must be submitted to Girish C. Barua, Office of Federal Patent

Licensing, NTIS, Box 1423, Springfield, VA 22151. Properly filed competing applications received by the NTIS in response to this notice will be considered as objections to the grant of the contemplated license(s).

Douglas J. Campion,

*Acting Director, Office of Federal Patent Licensing, National Technical Information Service.*

[FR Doc. 92-26632 Filed 11-2-92; 8:45 am]

BILLING CODE 3510-04-M

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**Announcement of a Request for Bilateral Textile Consultations on Certain Man-Made Fiber Textile Products Produced or Manufactured in Hong Kong**

October 27, 1992.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Notice.

**FOR FURTHER INFORMATION CONTACT:**

Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on categories on which consultations have been requested, call (202) 482-3740.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On October 9, 1992, the Government of the United States requested consultations with the Government of Hong Kong regarding imports of man-made fiber twills and sateen fabric in Category 617, produced or manufactured in Hong Kong. This request was made on the basis of the current bilateral agreement between the Governments of the United States and Hong Kong.

The United States reserves the right to control imports at the level under paragraph 7 of the agreement. The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of Hong Kong, further notice will be published in the *Federal Register*.

Anyone wishing to comment or provide data or information regarding the treatment of Category 617, under the agreement with the Government of Hong Kong, or in any aspect thereof, or to comment on domestic production or

availability of products included in Category 617, is invited to submit 10 copies of such comments or information to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande.

The comments received will be considered in the context of the consultations with the Government of Hong Kong.

Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see *Federal Register* notice 53 FR 60101, published on November 27, 1991).

Auggie D. Tantillo,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 92-26619 Filed 11-2-92; 8:45 am]

BILLING CODE 3510-DR-F

**COMMODITY FUTURES TRADING COMMISSION**

**Financial Products Advisory Committee; Meeting**

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. app. 2 section 10(a) and 41 CFR 101-6.1015(b), that the Commodity Futures Trading Commission's Financial Products Advisory Committee will conduct a public meeting in the Lower Level Hearing Room (B-1) at the Commission's Washington, DC headquarters located at 2033 K Street, NW., Washington, DC 20581, on November 19, 1992, beginning at 1:30 p.m. and lasting until 5 p.m. The agenda will consist of:



**Agenda**

1. An overview of the recently passed CFTC reauthorization legislation.
2. A panel discussion of what the new CFTC exemptive authority contained in the CFTC reauthorization bill could mean for both exchange and off-exchange markets.
3. A panel discussion of the operation of post-October '87 market reforms in today's markets.
4. Rule 4.5: a report by the Division of Economic Analysis on changes being considered to CFTC Rule 4.5. Report of the Hedging Working Group on its recommendations for revisions to Rule 4.5.
5. Status report of the Working Group on Third Party Custodial Accounts.
6. Report from the Division of Trading & Markets on proposed rules to streamline risk disclosure.
7. Development of future agenda items and scheduling of next meeting. Other Committee business.

The purpose of this meeting is to solicit the views of the Committee on these agenda matters. The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of advising the Commission on the assessment of issues concerning individuals and industries interested in or affected by financial markets regulated by the Commission. The purposes and objectives of the Advisory Committee are more fully set forth in the April 25, 1991 Charter of the Advisory Committee.

The meeting is open to the public. The Chairman of the Advisory Committee, CFTC Commissioner Sheila C. Bair, is empowered to conduct the meeting in a fashion that will, in her judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: the Commodity Futures Trading Commission Financial Products Advisory Committee, c/o Susan Milligan, 2033 K Street NW., Washington, DC 20581, before the meeting. Members of the public who wish to make oral statements should also inform Ms. Milligan in writing at the foregoing address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, DC, on October 28, 1992.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-26651 Filed 11-2-92; 8:45 am]

BILLING CODE 6351-01-M

**DEPARTMENT OF DEFENSE****GENERAL SERVICES ADMINISTRATION****NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[OMB Control No. 9000-0036]

**Clearance Request for Information Regarding Previous Contracts**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance (9000-0036).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Information Regarding Previous Contracts.

**FOR FURTHER INFORMATION CONTACT:** Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501-4755.

**SUPPLEMENTARY INFORMATION:****A. Purpose**

When the same item or class of items is being acquired by more than one agency, the exchange and coordination of pertinent information, particularly cost and pricing data, is necessary to promote uniformity of treatment of major issues and the resolution of particularly difficult or controversial issues. For this reason, the contracting officer, early in a negotiation of a contract, or in connection with the review of a subcontract, must request the contractor to furnish information as to the contractor's or subcontractor's previous Government contracts and subcontracts for the same or similar end items and major subcontractor components. This information is particularly beneficial during the period of acquisition planning, presolicitation, evaluation, and preaward survey. The information is used to determine a firm's responsibility.

**B. Annual Reporting Burden**

The annual reporting burden is estimated as follows: Respondents, 2,000; responses per respondent, 10; total annual responses, 20,000; preparation hours per response, .25; and total response burden hours, 5,000.

**Obtaining Copies of Proposals**

Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4037, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0036, Information Regarding Previous Contracts, in all correspondence.

Dated: October 21, 1992.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 92-26591 Filed 11-2-92; 8:45 am]

BILLING CODE 6820-34-M

**DEPARTMENT OF DEFENSE****Public Information Collection Requirement Submitted to OMB for Review**

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction act (44 U.S.C. chapter 35).

*Title, Applicable Form, and Applicable OMB Number:* NTOTC Applicant Questionnaire; NAVCRUIT 1131/6; OMB Control Number 0703-0028.

*Type of Request:* Revision.

*Average Burden Hours/Minutes Per Response:* 15 minutes.

*Responses Per Respondent:* 1.

*Number of Respondents:* 40,000.

*Annual Burden Hours:* 10,000.

*Annual Responses:* 40,000.

*Needs and Uses:* An assessment of an individual's basic eligibility for the NROTC Scholarship Program is necessary for the initial screening of prospective applicants. In order to pre-screen applicants it is necessary to have information concerning date of birth, citizenship, etc. Address and phone number are needed to contact those individuals who are eligible and to inform those who are not. Information is provided to the individual who wishes to apply for the NROTC Four-Year Scholarship Program. The information gathered is used by Headquarters, Navy Recruiting Command to determine basic eligibility.



**Affected Public:** Individuals or households.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DOD, room 3235, New Executive Office Building, Washington, DC 20503.

**DOD Clearance Officer:** Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202-4302.

Dated: October 27, 1992.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 92-26597 Filed 11-2-92; 8:45 am]

BILLING CODE 3810-01-M

### Public Information Collection Requirement Submitted to OMB for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

**Title, Applicable Form, and Applicable OMB Number:** Application for Commission of Warrant Rank, USN or USNR; NAVCRUIT 1100/11; OMB No. 0703-0029

**Type of Request:** Extension

**Average Burden Hours/Minutes Per Response:** 30 minutes

**Responses Per Respondent:** 1

**Number of Respondents:** 20,000

**Annual Burden Hours:** 10,000

**Annual Responses:** 20,000

**Needs and Uses:** The mission of Commander, Navy Recruiting Command is to recruit and select qualified applicants for Navy programs. NAVCRUIT 1100/11 is used to help determine if these applicants are qualified for commission in the U.S. Navy or U.S. Naval Reserve

**Affected Public:** Individual or households

**Frequency:** On occasion

**Respondent's Obligation:** Voluntary

**OMB Desk Officer:** Mr. Edward C. Springer

Written comments and recommendations on the proposed

information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DOD, room 3235, New Executive Office Building, Washington, DC 20503. **DOD Clearance Officer:** Mr. William P. Pearce

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202-4202

Dated: October 27, 1992.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 92-26598 Filed 11-2-92; 8:45 am]

BILLING CODE 3810-01-M

### Public Information Collection Requirement Submitted to OMB for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35)

**Title, Applicable Form, and Applicable OMB Control Number:** Nonprior Service and Prior Service Accessions; ATC Forms 1319, 1325, and 1419; OMB No. 0701-0079

**Type of Request:** Revision

**Average Burden Hours/Minutes Per Response:** 49 Minutes

**Responses Per Respondent:** 1

**Number of Respondents:** 108,500

**Annual Burden Hours:** 87,867

**Annual Responses:** 108,500

**Needs and Uses:** These forms are used by field recruiters in the processing of nonprior and prior service enlistment applicants for the Air Force. The ATC Form 1419 contains sections for completion by local law enforcement agencies to assist in determining the applicant's eligibility

**Affected Public:** Individuals or households; State or local governments

**Frequency:** On occasion

**Respondent's Obligation:** Required to obtain or retain a benefit

**OMB Desk Officer:** Mr. Edward C. Springer

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503. **DOD Clearance Officer:** Mr. William P. Pearce

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: October 27, 1992.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 92-26599 Filed 11-2-92; 8:45 am]

BILLING CODE 3810-01-M

### Department of the Army

#### Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

**Name of the Committee:** Army Science Board (ASB).

**Dates of the Meeting:** 18 & 19 November 1992.

**Time:** 0830-1700 Hours.

**Place:** Washington, DC and vicinity.

**Agenda:** The Army Science Board's "Infrastructure and Environment Panel," will meet to discuss a study on groundwater modeling in the Army's environmental restoration programs. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Office, Sally Warner, may be contacted for further information (703) 695-0781.

Sally A. Warner,

*Administrative Officer, Army Science Board.*

[FR Doc. 92-26679 Filed 11-2-92; 8:45 am]

BILLING CODE 3710-08-M

### Defense Investigative Service

#### Privacy Act of 1974; Addition of Systems of Records

**AGENCY:** Defense Investigative Service, DOD.

**ACTION:** Addition of systems of records.

**SUMMARY:** The Defense Investigative Service proposes to add one exempt and one non-exempt system of records to its inventory of systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

**DATES:** The proposed action will be effective on December 3, 1992, unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send comments to Defense Investigative Service, Chief, Office of Information and Public Affairs, 1900 Half Street, SW, Room 6115, Washington, DC 20324-1700.



**FOR FURTHER INFORMATION CONTACT:**

Mr. Dale Hartig at (202) 475-1062.

**SUPPLEMENTARY INFORMATION:** The Defense Investigative Service compilation of systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), have been published in the Federal Register as follows:

50 FR 22943, May 29, 1985 (DOD Compilation, changes follow)  
 55 FR 22390, June 1, 1990  
 56 FR 12716, March 27, 1991  
 56 FR 46163, September 10, 1991  
 57 FR 1155, January 10, 1992  
 57 FR 5421, February 14, 1992  
 57 FR 10468, March 26, 1992  
 57 FR 15305, April 27, 1992  
 57 FR 21398, May 20, 1992

New system reports, as required by 5 U.S.C. 552(r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, were submitted on October 20, 1992, to the Committee on Governmental Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52730, Dec 24, 1985).

Dated: October 28, 1992.

L. M. Bynum,  
*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

V9-01

**SYSTEM NAME:**

Litigation Case Files.

**SYSTEM LOCATION:**

Defense Investigative Service, 1900 Half Street, SW, Washington, DC 20324-1700.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have been the subject of adverse actions generated by the agency employee relations process, Merit Systems Protection Board (MSPB) and Equal Employment Opportunity Commission (EEOC) appellants, Freedom of Information Act (FOIA) and Privacy Act litigants, and individuals involved in civil litigation against DIS or other government agencies.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Legal or factual memoranda, legal briefs, correspondence, decisions, claims, grievances, MSPB, EEO, FOIA and Privacy Act materials.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, Departmental Regulations; Department of Defense Directive 5105.42, "The Defense Investigative Service" (32 CFR part 361).

**PURPOSE(S):**

To collect documentation pertinent to litigation, disciplinary matters, and administrative actions concerning the Agency. Information is compiled to support various legal-related activities of the Department of Defense, Department of Justice, the Office of Personnel Management, or other adjudicative agencies of the U.S. Government as may be necessary or required in the disposition of an individual case.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The "Blanket Routine Uses" published at the beginning of DIS' compilation of records system notices apply to this system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:****STORAGE:**

Paper records in file folders.

**RETRIEVABILITY:**

Alphabetically by surname of individual.

**SAFEGUARDS:**

Records are kept in locked cabinets and are accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Records are held 5 years after date of last action, then retired to the Washington National Records Center. They are destroyed when 25 years old.

**SYSTEM MANAGER(S) AND ADDRESS:**

Defense Investigative Service, Office of the General Counsel, 1900 Half Street, SW, Washington, DC 20324-1700.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700.

A request for information must contain the full name and Social Security number of the subject individual.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700.

A request for information must contain the full name and Social Security number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office.

**CONTESTING RECORD PROCEDURES:**

The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28-4, "Access to and Maintenance of DIS Personal Records"; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700.

**RECORD SOURCE CATEGORIES:**

Information is provided by DIS field elements, Employee Relations Branch; Director, DIS Office of Affirmative Action and Equal Opportunity Policy; Directorates of Industrial Security and Investigations; Office of the Secretary of Defense; other DoD components.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2) and (k)(5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553b(1), (2) and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

V10-01

**SYSTEM NAME:**

Investigation and Inspection Supplier Contract Files.

**SYSTEM LOCATION:**

Defense Investigative Service, 1900 Half Street, SW, Washington, DC 20324-1700.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individual contractors who perform personnel security investigations or industrial security inspections on an as-needed basis for the Defense Investigative Service.



**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records may contain any or all of the following: Contractor Information Sheet, copies of contracts, Purchase Orders, Request for Payment, Request for Bulk Funds Order, Order for Supplies and Services, Contract Distribution, Public Voucher for Purchases and Services Other than Personal, Regional Directors of Investigation and Industrial Security and field office supervisors may file other documentation, originals or copies, such as resumes, applications, or DD Forms 398, Personnel Security Questionnaires.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, Department Regulations; Department of Defense Directive 5105.42, "Defense Investigative Service" (32 CFR part 361).

**PURPOSE(S):**

To retain personal identification information provided by individual contract suppliers.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The "Blanket Routine Uses" published at the beginning of DIS' compilation of records system notices apply to this system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:****STORAGE:**

Paper records in file folders.

**RETRIEVABILITY:**

Regional and field office copies are filed alphabetically by surname of individual. Acquisition and accounting copies are filed by contract number.

**SAFEGUARDS:**

Records are kept in secured areas accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Regional and field office copies are destroyed upon termination of the contract. Acquisition and accounting copies are destroyed three years after final payment.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Director (Resources), Defense Investigative Service, 1900 Half Street, SW, Washington, DC 20324-1700.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Investigative Service, Office of

Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700.

A request for information must contain the full name and Social Security number of the subject individual.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700.

A request for information must contain the full name and Social Security number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office.

**CONTESTING RECORD PROCEDURES:**

The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28-4, "Access to and Maintenance of DIS Personal Records"; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700.

**RECORD SOURCE CATEGORIES:**

Contract supplier who is subject of the file.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 92-26595 Filed 11-02-92; 8:45 am]

BILLING CODE 3810-01-F

**Department of the Navy****CNO Executive Panel; Closed Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Stealth and Stealth Countermeasures Task Force will meet December 1-2, 1992, from 9 a.m. to 5 p.m., at the Center for Naval Analyses, Alexandria, Virginia. These sessions will be closed to the public.

The purpose of this meeting is to evaluate U.S. Navy requirements for stealth and stealth countermeasures systems. The entire agenda for the meeting will consist of discussions of key issues related to stealth, stealth countermeasures, and related intelligence. These matters constitute

classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and, are in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Judith A. Holden, Executive Secretary to the CNO Executive Panel, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302-0268, phone (703) 758-1205.

Dated: October 27, 1992.

Michael P. Rummel

Lieutenant Commander, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 92-26590 Filed 11-2-92; 8:45 am]

BILLING CODE 3810-AE-F

**DEPARTMENT OF EDUCATION****Advisory Council on Education Statistics; Meeting**

**AGENCY:** Advisory Council on Education Statistics, Education.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

**DATE AND TIME:** December 10, 1992, 9 a.m.-4 p.m. and December 11, 1992, 9 a.m.-Noon.

**ADDRESSES:** 555 New Jersey Avenue, NW., room 326, Washington, DC 20208.

**FOR FURTHER INFORMATION CONTACT:** Suellen Mauchamer, Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, room 400E, Washington, DC 20208-7575, telephone: (202) 219-1839.

**SUPPLEMENTARY INFORMATION:** The Advisory Council on Education Statistics, (ACES) is established under Section 406(c) (1) of the Education Amendments of 1974, Public Law 93-380. The Council is established to review general policies for the operation of the National Center for Education Statistics (NCES) in the Office of Educational Research and Improvement and is



responsible for advising on standards to insure that statistics and analyses disseminated by NCES are of high quality and are not subject to political influence. The meeting of the Council is open to the public.

The proposed agenda includes the following:

- Updates on NCES management retreat; new data releases including Projections of Education Statistics to 2003, and Digest of Education Statistics, 1992
- Third International Mathematics and Science Survey (TIMSS)
- Release of Data by Statistical Agencies
- Utility and Reliability of Attitudinal Survey Items
- Council Business

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue NW, room 400E, Washington, DC 20208-7575.

Dated: October 26, 1992.

Diane Ravitch,

*Assistant Secretary for Educational Research and Improvement.*

[FR Doc. 92-26666 Filed 11-2-92; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. JD93-00528T California-2]

#### State of California; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formations

October 28, 1992.

Take notice that on October 26, 1992, the California Division of Oil and Gas (California) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Lower Reef Ridge, Antelope and McDonald Zones of the Lost Hills Field, Kern County, California, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application for all zones underlie the same lands as described on the attached appendix.

The notice of determination also contains California's findings that the referenced portions of the Lower Reef Ridge, Antelope and McDonald Zones meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for

material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,  
*Secretary.*

#### Appendix

The proposed areas are the Lower Reef Ridge, Antelope and McDonald Zones of the Lost Hills Field described as follows:

*Township 27 South, Range 21 East*

Section 4: E/2 and E/2 of SW/4.

Section 5: N/2 and SW/4 and N/2 of N/2 of SE/4 and W/2 of SW/4 of SE/4.

Section 8: N/2 of N/2 of S/2.

Section 9: NE/4 and E/2 of NW/4 and NW/4 of NW/4 and N/2 of NW/4 of SE/4 and NW/4 of NE/4 of SE/4.

Section 10: W/2 of NW/4.

Section 15: N/2 of NW/4.

Section 16: N/2 and SE/4 and E/3 of SW/4.

Section 17: N/2 of N/2.

Section 20: N/2 of N/2.

Section 21: S/2 of S/2.

Section 23: N/2 of N/2.

[FR Doc. 92-26646 Filed 11-2-92; 8:45 am]

BILLING CODE 6717-01-M

[RS92-33-000]

#### East Tennessee Natural Gas Co.; Conference

October 28, 1992.

Take notice that on November 19, 1992, a pre-filing conference will be convened in this restructuring docket. The purpose of the conference is to address a revised summary of the proposal to comply with Order No. 636 prepared by the East Tennessee Natural Gas Company. The pipeline intends to serve all parties in the proceeding with the revised summary on October 30, 1992.

The conference will be held at 9 a.m. on November 19, 1992, in the office of the Federal Energy Regulatory Commission at 810 First Street, Washington, DC 20426. All interested parties are invited to attend. However, attendance at the conference will not confer party status.

Lois D. Cashell,  
*Secretary.*

[FR Doc. 92-26645 Filed 11-2-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-466-000, CP92-511-000, CP92-580-000 And CP92-581-000 (Not Consolidated)]

#### El Paso Natural Gas Co.; Technical Conference

October 28, 1992.

Take notice that on November 17, 1992, at 9 o'clock AM, Commission staff will convene a technical conference in the above-captioned proceedings to discuss non-environmental issues related to the applications filed by El Paso Natural Gas Company (El Paso).

The following applications will be discussed at the technical conference:

(1) *Docket No. CP92-466-000.* El Paso's request for approval to construct and operate compression and pipeline facilities on its East-End System (East-End Flexibility Project).

(2) *Docket No. CP92-511-000.* El Paso's request for approval to construct and operate compression facilities on its Havasu Crossover Line (West-End Flexibility Project).

(3) *Docket No. CP92-580-000.* El Paso's request for approval to construct incremental facilities (including looping, metering, and compression facilities) on its existing pipeline located in La Paz County, Arizona, and to construct the Yuma lateral extending from the existing facilities. These facilities are intended to provide transportation service to the International Boundary between the United States and the Republic of Mexico (Yuma Lateral Expansion Project).

(4) *Docket No. CP92-581-000.* El Paso's request for authorization under Section 3 of the NGA for the siting, construction, operation and maintenance of a border crossing facility at the United States-Mexico international boundary in Yuma County Arizona near San Luis Rio Colorado, Sonora, Mexico. El Paso also requested a Presidential permit for the border facilities.

El Paso, contesting parties, and interested parties should be prepared to discuss the issues which have been raised in the interventions and protests, including the following:

1. The need for the facilities proposed in each docket.
2. The impact of the facilities proposed in each docket on existing services.
3. Whether the East-End Flexibility Project and the West-End Flexibility Project constitutes major expansion projects?
4. The methodology of the rate treatment proposed in each docket and El Paso's request for pre-approved



rolled-in rates in the Yuma Lateral Expansion Project.

5. The impact of any capacity releasing requests on the proposed facilities in the Yuma Lateral Expansion Project.

6. The relationship of the proposed West-End Flexibility facilities to the Yuma Lateral Expansion Project.

The conference will be held at the offices of the Federal Energy Regulatory Commission, Washington, DC 20426. All interested parties are invited to attend.

For further information please contact Raymond E. James of the Office of Pipeline and Producer Regulation at (202) 208-2193.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-26644 Filed 11-2-92; 8:45 am]

BILLING CODE 6717-01-M

## Office of Conservation and Renewable Energy

[Case No. F-048]

### Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Furnace Test Procedure to Lennox Industries, Inc.

**AGENCY:** Office of Conservation and Renewable Energy, Department of Energy.

**ACTION:** Decision and order.

**SUMMARY:** Notice is given of the Decision and Order (Case No. F-048) granting a Waiver to Lennox Industries, Inc. (Lennox) from the existing Department of Energy (DOE) test procedure for furnaces. The Department is granting Lennox its Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its G21Q, GSR21Q, G21V, and GSR21V series of condensing furnaces.

**FOR FURTHER INFORMATION CONTACT:** Cyrus H. Nasser, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9127. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-41, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

**SUPPLEMENTARY INFORMATION:** In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Lennox has

been granted a Waiver for its G21Q, GSR21Q, G21V, and GSR21V series of condensing furnaces, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, October 28, 1992.

J. Michael Davis,  
Assistant Secretary, Conservation and Renewable Energy.

## DECISION AND ORDER

### DEPARTMENT OF ENERGY

#### OFFICE OF CONSERVATION AND RENEWABLE ENERGY

In the Matter of: The Lennox Industries, Inc. (Case No. F-048).

#### Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95-619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100-12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100-357, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 28, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy

consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Lennox filed a "Petition for Waiver," dated February 10, 1992, in accordance with § 430.27 of 10 CFR part 430. DOE published in the Federal Register on July 31, 1992, Lennox's petition and solicited comments, data and information respecting the petition. 57 FR 33952. Lennox also filed an "Application for Interim Waiver" under § 430.27(g) which DOE granted on July 27, 1992. 57 FR 33952, July 31, 1992.

No comments were received concerning either the "Petition for Waiver" or the "Interim Waiver." DOE consulted with The Federal Trade Commission (FTC) concerning the Lennox Petition. The FTC did not have any objections to the issuance of the waiver to Lennox.

#### Assertions and Determinations

Lennox's Petition seeks a waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Lennox requests the allowance to test using a 60-second blower time delay when testing its G21Q and GSR21Q series and a 45-second blower time delay when testing its G21V and GSR21V series of condensing furnaces. Lennox states that the 60-second and 45-second delays are indicative of how these furnace actually operate and since such delays result in an improvement in efficiency of approximately 1.0 to 2.0 percent, the petition should be granted.

Under specific circumstances, the DOE test procedure contain exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Lennox indicates that it is unable to take advantage of any of these



exceptions for its G21Q, GSR21Q, G21V, and GSR21V series of condensing furnaces.

Since the blower controls incorporated on the Lennox furnaces are designed to impose a 60-second blower time delay when testing its G21Q and GSR21Q series and a 45-second blower time delay when testing its G21V and GSR21V series in every instance of start up, and since the current provisions do not specifically address these type of controls, DOE agrees that a waive should be granted to allow the 60-second blower time delay when testing the Lennox G21Q and GSR21Q and 45-second blower time delay when testing the Lennox G21V and GSR21V series of condensing furnaces. Accordingly, with regard to testing the G21Q, GSR21Q, G21V, and GSR21V series of condensing furnaces, today's Decision and Order exempts Lennox from the existing provisions regarding blower controls and allows testing with the 60-second and 45-second delays.

It is, therefore, ordered that:

(1) The "Petition for Waiver" filed by Lennox Industries, Inc. (Case No. F-048) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of Appendix N of 10 CFR part 430, subpart B, Lennox Industries, Inc. shall be permitted to test its G21Q, GSR21Q, G21V, and GSR21V series of condensing furnaces on the basis of the test procedure specified in 10 CFR part 430, with modifications set forth below:

(i) Section 3.0 of appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE 103-82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following procedures:

(ii) Add a new paragraph 3.10 to appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1 of ANSI/ASHRAE 103-82. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnaces and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) The furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started

together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stopwatch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within  $\pm 0.01$  inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, Lennox Industries, Inc. shall comply in all respects with the test procedures specified in appendix N of 10 CFR part 430, subpart B.

(3) The waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the G21Q, GSR21Q, G21V, and GSR21V series of condensing furnaces manufactured by Lennox Industries, Inc.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the petition is incorrect.

(5) Effective October 28, 1992, this Waiver supersedes the Interim Waiver granted The Lennox Industries, Inc. on July 27, 1992. 57 FR 33952, July 31, 1992 (Case No. F-048).

Issued In Washington, DC, October 28, 1992.

J. Michael Davis,

*Assistant Secretary, Conservation and Renewable Energy.*

[FR Doc. 92-26669 Filed 11-2-92; 8:45 am]

BILLING CODE 6450-01-M

#### Western Area Power Administration

#### Notice of Intent to Prepare an Environmental Impact Statement for the Adelanto-Lugo Transmission Project, San Bernardino County, California

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA), the Western Area Power Administration (Western) intends to prepare an Environmental Impact Statement (EIS) for the Adelanto-Lugo Transmission Project (Project). The EIS will be prepared according to NEPA requirements, Council on Environmental Quality Regulations, (40 Code of Federal Regulations (CFR) parts 1500 through 1508), and DOE NEPA Regulations (10 CFR part 1021). Full public participation and disclosure are planned for the entire EIS process.

**DATES:** Public Scoping Meetings are scheduled for December 3, 1992. These meetings will be held at 1 p.m. at the Maverick Stadium Conference Center, Adelanto, CA, and at 7 p.m. at the Cafeteria of the Hesperia High School, 9898 Maple Avenue, Hesperia, CA. The purpose of these meetings is to inform the public about the environmental review process, and to receive public comment to help identify the environmental issues to be addressed in the EIS/EIR. The public is invited to attend these meetings to submit comments on the proposed Project.

Comments may also be submitted in writing and should be received no later than December 3, 1992.

**ADDRESSES:** Written comments should be sent to: Mr. Thomas A. Hine, Area Manager, Phoenix Area Office, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457, (602) 352-2525.

**FOR FURTHER INFORMATION CONTACT:** The Participants have developed and are maintaining a mailing list of interested parties who wish to be kept informed of the progress of the EIS/EIR. To receive additional information or be placed on the mailing list, write to the address provided above, or call (602) 352-2525.

For further information on DOE's general NEPA review procedures contact: Carol M. Borgstrom, Office of NEPA Oversight, EH-25, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 536-4600 or (800) 472-2756.

**SUPPLEMENTARY INFORMATION:** The proposed Project's sponsors (collectively called the Participants) include the cities of Anaheim, Azusa, Banning, Burbank, Colton, Glendale, Pasadena, Riverside, and Vernon in California; the Modesto-Santa Clara-Redding Public Power Agency, and Western. Western and the City of Anaheim are responsible for the preparation of a joint environmental compliance document (EIS and



Environmental Impact Report (EIR)). The joint EIS/EIR will satisfy the requirements of both NEPA and the California Environmental Quality Act (CEQA). Western is the Lead Federal Agency for NEPA and the City of Anaheim is the Lead State Agency for CEQA.

The proposed Project would connect the Adelanto Switching Station in Adelanto, California, owned by the Los Angeles Department of Water and Power (LADWP), to the Lugo Substation near Hesperia, California, owned by the Southern California Edison Company (Edison), via construction of a 500-kilovolt transmission line approximately 20 miles long. The Project alternatives under consideration include: the "no action/no project alternative," a new transmission line in a new corridor, a new transmission line in an existing corridor, system upgrades to existing transmission lines, long-term firm transmission service agreements using existing transmission lines, and combinations of the above alternatives.

The proposed Project would be located in the Victor Valley area of the western portion of San Bernardino County, California (see Figure 1). The incorporated cities of Adelanto, Hesperia, and Victorville are located within the Victory Valley, which also includes many small unincorporated areas in semi-rural and rural areas. The Project Study Area, as depicted on Figure 1, is generally defined as follows: Rancho Road on the north, the Range 5 West/Range 4 West division on the east, Hesperia Road on the south, Rancho Road on the southwest, and Wilson Ranch Road on the west. The proposed Project Study Area boundaries are based on existing and future land use constraints, existing linear land use corridors, physiographic and linear land use constraints, and land ownership.

The Participants seek to establish a firm, bidirectional transmission path

from existing transmission facilities at the Adelanto Switching Station to the Lugo Substation. This required transmission path is needed so the Participants can access, deliver, and exchange available economical power supplies through LADWP's and Edison's existing transmission systems to meet customer needs.

The California Energy Commission estimates that California's electricity demand will grow at an annual rate of 2.7 percent over the next 20 years. Power purchases, sales, and exchanges on existing and proposed bulk transmission facilities (e.g., the proposed Project) would continue to contribute significantly to meeting the increased demand. Such transmission paths create opportunities for direct power exchanges among utilities, increase the efficiency and use of existing intra- and inter-State electric power generation resources, encourage competition among suppliers, and reduce the need for construction of new power generating resources. The proposed Project would also accomplish the following: increase capacity and reliability of the overall electric power transmission system in southern California, provide flexibility for the Participants to purchase and transfer bulk power, and provide an additional connection and transfer path for electricity between the two largest electric power systems in southern California (i.e., LADWP and Edison).

As a result of a year of preliminary environmental feasibility studies, the EIS/EIR will focus on the assess the potential environmental issues associated with the proposed Project, including but not limited to: land use and land resources, aesthetic/visual resources, noise impacts, air resources and air quality, cultural resources (including historic, archeologic, and paleontologic resources), earth resources, biologic resources (including sensitive plant and animal species and habitat), and human health and safety

including electromagnetic field effects. Based on the preliminary environmental review and a review of current wetlands regulations, it has been determined that wetlands resources will not be an issue or impacted as a result of the proposed Project. Preliminary study corridor alternatives, which were developed based on consideration of the identified potential environmental issues and with public input during the preliminary environmental review, are shown on Figure 2. These study corridors will be further refined during the Scoping Process. Additional issues may be identified for analysis in response to this notice of intent, through public Scoping Meetings and field review.

The NEPA/CEQA compliance process will take about 18 months with acceptance and certification of the Final EIS/EIR expected in mid 1994. The process will include public information meetings, Scoping Meetings, coordination and involvement with appropriate Federal, State, and local agencies, public review and public hearings on the published Draft EIS/EIR, a published Final EIS/EIR, a review period, and a published Record of Decision.

Repositories for information related to the proposed Project have been established at public libraries in Adelanto, Victorville, and Hesperia. A series of prescoping public information meetings were held in the proposed Project area in September 1991 and January 1992. A Community Advisory Committee consisting of approximately 25 representatives of local government and the community-at-large has been formed and will meet on a regular basis throughout the NEPA/CEQA compliance process.

Issued at Washington, DC October 26, 1992.

**Paul L. Ziemer,**

*Assistant Secretary for Environment, Safety and Health.*

BILLING CODE 6450-01-M



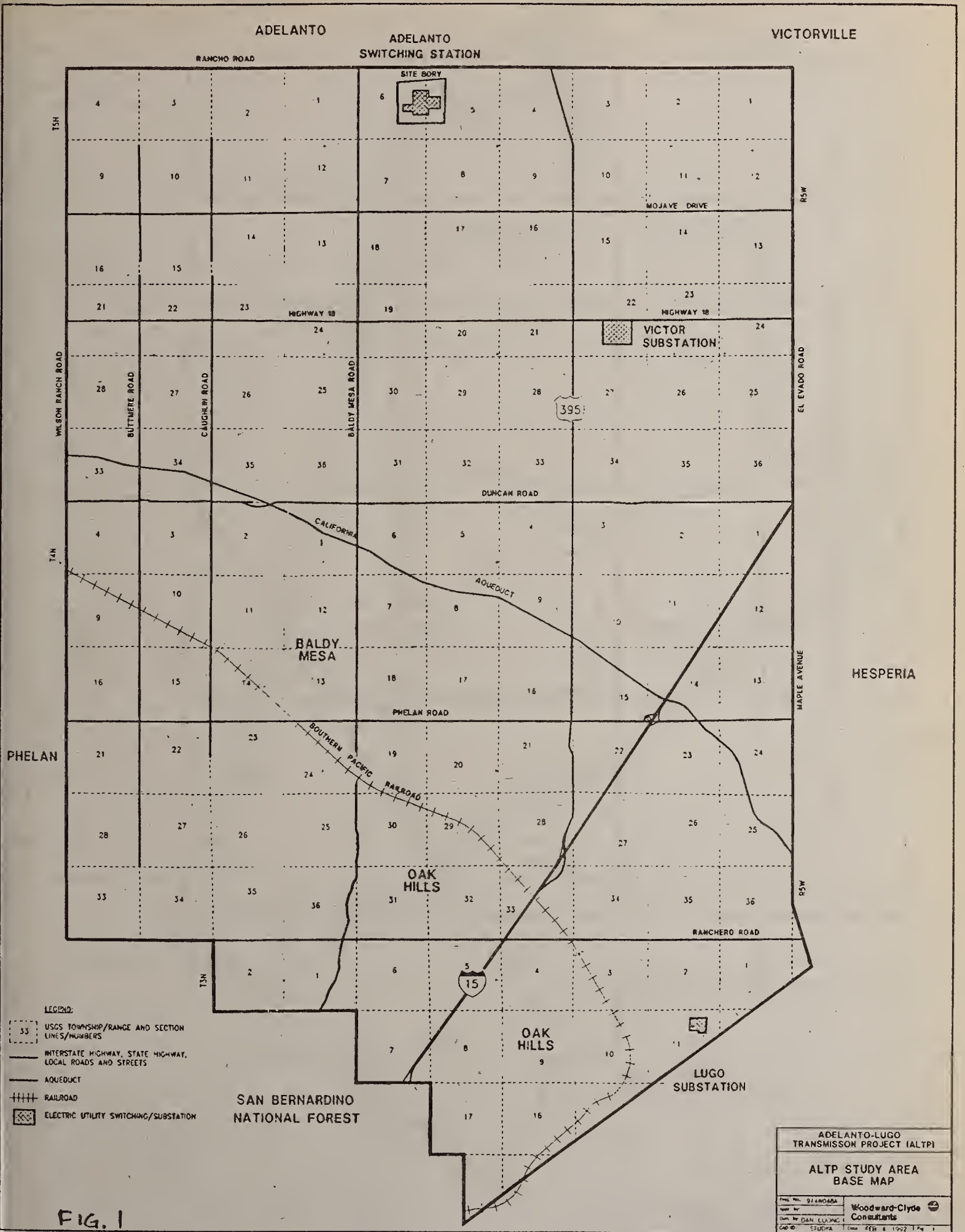
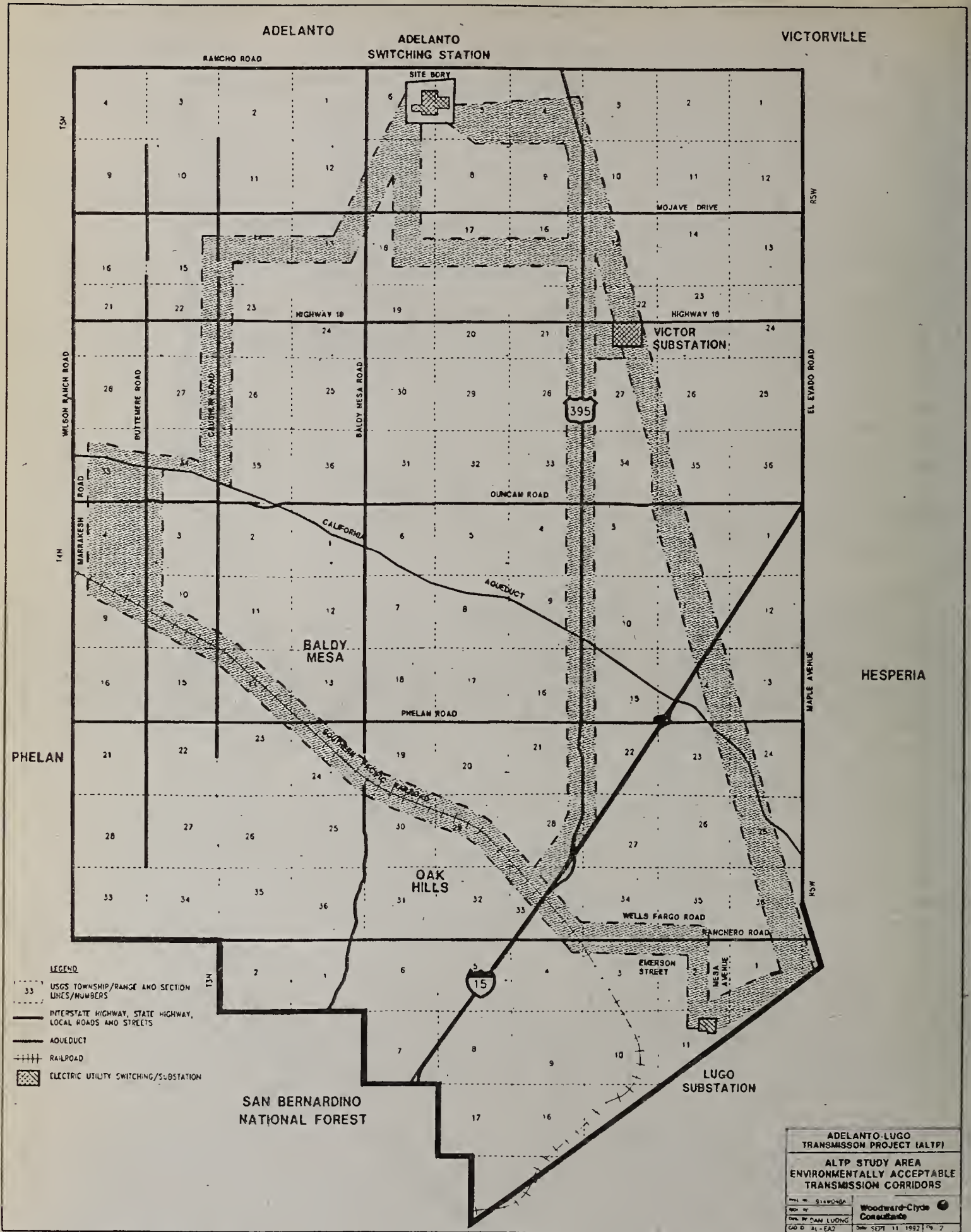


FIG. 1





[FR Doc. 92-26670 Filed 11-2-92; 8:45 am]

BILLING CODE 6450-01-C



**ENVIRONMENTAL PROTECTION AGENCY**

[AD-FRL-4529-5]

**Technical Guidance Documents for Particulate Matter****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice announcing availability of technical guidance documents for particulate matter sources.

**SUMMARY:** This notice announces the availability of three technical guidance documents for the control of PM-10 (particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers) emissions from fugitive dust, residential wood combustion, and prescribed burning. The documents contain information on what the EPA currently considers best available control measures (BACM) for each of the three source categories. The documents also supplement the reasonably available control measures (RACM) technical guidance issued in conjunction with the General Preamble for title I of the Clean Air Act (Act) Amendments of 1990 (57 FR 13541, April 16, 1992; 57 FR 18070, April 28, 1992).

Thus, issuance of these BACM technical guidance documents completes EPA's obligation to issue RACM and BACM guidance for the three source categories identified under section 190 of the Act.

These documents provide technical guidance to States and other interested parties regarding BACM for the source categories addressed. The public will have an opportunity to comment on any actual BACM strategies developed by the States, and their reliance on the documents, during the State implementation plan adoption processes. The public will have further opportunity to comment at the time that EPA proposes individual SIP's for approval or disapproval pursuant to notice and comment rulemaking. Thus, the technical guidance does not have a binding effect and EPA will consider the submissions made by any person and the particular factual circumstances presented before the guidance is given any binding effect.

**ADDRESSES:** Copies of the three BACM technical guidance documents are available from the U.S. EPA Library, MD-35, Research Triangle Park, North Carolina 27711, telephone (919) 541-2777. Copies of the documents will also be available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. In requesting the documents, please refer to: "Fugitive Dust Background

Document and Technical Information Document for Best Available Control Measures" (EPA-450/2-92-004), "Residential Wood Combustion Technical Information Document for Best Available Control Measures" (EPA-450/2-92-002), and "Prescribed Burning Background Document and Technical Information Document for Best Available Control Measures" (EPA-450/2-92-003). As new information becomes available, EPA will update the documents, as appropriate. Any such additional information should be forwarded to Mr. Christopher Stoneman at the Sulfur Dioxide/Particulate Matter Programs Branch, Office of Air Quality Planning and Standards, MD-15, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Christopher Stoneman, telephone (919) 541-0823, Sulfur Dioxide/Particulate Matter Programs Branch, MD-15, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:****I. Background**

Section 190 of the Act requires EPA to issue technical guidance for RACM and BACM no later than 18 months from enactment of the 1990 Amendments to the Act for three PM-10 source categories: Urban fugitive dust, residential wood combustion, and prescribed silvicultural and agricultural burning. In conjunction with publication of the General Preamble, EPA discharged the section 190 requirement to issue RACM technical guidance for each of these three source categories (57 FR 13541, April 16, 1992; 57 FR 18070, April 28, 1992). The General Preamble provides a policy for how to utilize the available RACM technical guidance to develop area-specific RACM strategies. The BACM documents are, therefore, the subject of today's notice.

**II. Today's Notice**

By today's notice, EPA is issuing BACM technical guidance, which, taken together with EPA's previous issuance of RACM technical guidance, wholly fulfills EPA's statutory obligation to issue RACM and BACM technical guidance for urban fugitive dust, residential wood combustion, and prescribed silvicultural and agricultural burning under section 190 of the Act. Similar to the manner in which EPA provided guidance on Act

requirements applicable to moderate PM-10 nonattainment areas, in the General Preamble, including a policy or how to utilize the RACM technical guidance documents, the EPA is planning to provide guidance on Act requirements and provisions applicable to serious PM-10 nonattainment areas,<sup>1</sup> including BACM, in an addendum to the General Preamble. [The EPA made a draft of the addendum available for public comment on July 16, 1993 (57 FR 31477).] The portion of the addendum that addresses BACM provides a policy for how to utilize today's BACM technical guidance to develop area-specific BACM strategies.

Section 190 of the Act also requires that EPA examine other source categories contributing to PM-10 nonattainment, determine whether additional guidance on RACM and BACM is needed, and issue any such guidance no later than November 15, 1993. Note that the guidance document issued today provide BACM guidance for sources of fugitive dust (including urban), residential wood combustion, and prescribed burning (including silvicultural and agricultural). The EPA believes, at this time, that these categories of sources are contributing to nonattainment of the PM-10 national ambient air quality standards. To the extent these categories of sources are broader than, or in addition to, those identified in section 190, the Administrator is in today's notice determining that BACM guidance is needed for these sources and is issuing such guidance (see 57 FR 13540).

The EPA must take into account emission reductions achieved, or expected to be achieved, under title IV and other provisions of the Act in issuing guidelines and making determinations under section 190. The EPA does not believe at this time that actual or expected reductions from title IV or other provisions of the Act will significantly reduce emissions from the PM-10 source categories addressed in the guidance issued today. For example, the three source categories addressed in the technical guidance issued today constitute direct sources of PM-10 emissions and, as such, do not overlap with title IV-related reductions which focus on potential PM-10 precursors, such as sulfur dioxide and nitrogen oxides. Likewise, these three source categories do not appear to be regarded as major sources subject to maximum

<sup>1</sup> On November 21, 1991 (56 FR 58656), EPA proposed to reclassify 14 existing moderate PM-10 nonattainment areas to serious and is proceeding to take final action.



achievable control technology standards under title III. While emissions from other potential PM-10 source categories may, in some fashion, be impacted by provisions of titles III or IV, any such impacts will be considered in determining whether additional guidance is needed under section 190 and at the time that EPA develops and issues any such additional guidance.

The BACM technical guidance documents include information on the control measures EPA regards as among the most effective currently available for control of PM-10 and provide technical guidance to States and other parties regarding BACM for the source categories addressed. Note also that the documents are not exclusionary and that, as new information on effective control techniques and measures comes to light, WPA will update the documents as appropriate.

The public will have an opportunity to comment on any actual BACM strategies developed by the States, and their reliance on the documents, during the States' SIP adoption processes. The public will have further opportunity to comment at the time that EPA proposes individual SIP's for approval or disapproval pursuant to notice and comment rulemaking. Thus, the technical guidance does not have a binding effect and EPA will consider the submissions made by any person and the particular factual circumstances presented before the guidance is given any binding effect.

The BACM technical guidance documents were developed in consultation with BACM task forces that included representatives from Federal, State, and local agencies involved in the control of the respective PM-10 source categories.

Dated: October 26, 1992.

*William K. Reilly,*  
Administrator.

[FR Doc. 92-26659 Filed 11-2-92; 8:45 am]  
BILLING CODE 6560-50-M

[OPPTS-140195; FRL-4170-9]

**Access to Confidential Business Information by ICF International, Incorporated and Meridian Research, Incorporated**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has authorized its contractor, ICF International,

Incorporated (ICF), of Fairfax, Virginia, and its subcontractor Meridian Research, Incorporated (MER), of Silver Spring, Maryland for access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

**DATES:** Access to the confidential data submitted to EPA will occur no sooner than November 18, 1992.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, TSCA Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** Under contract number 68-D2-0064, contractor ICF, of 9300 Lee Highway, Fairfax, VA, and its subcontractor MER, of 1010 Wayne Ave., Suite 1220, Silver Spring, MD will assist the Office of Pollution Prevention and Toxics (OPPT) in performing economic and regulatory impact analyses of actual and potential EPA actions taken under TSCA.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68-D2-0064, ICF and MER will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. ICF and MER personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

In a previous notice published in the *Federal Register* of March 13, 1992 (57 FR 8873), ICF was authorized for access to CBI submitted to EPA under all sections of TSCA under contract number 68-D8-0116. EPA is issuing this notice to allow ICF to continue its work under the new contract and to allow TSCA CBI access for the new subcontractor MER.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide ICF and MER access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at ICF's Fairfax, VA and 1850 K St., NW., Washington, DC facilities, MER's Silver Spring, MD facilities, and EPA Headquarters.

ICF and MER will be authorized access to TSCA CBI at their facilities under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. Before

access to TSCA CBI is authorized at ICF's and MER's sites, EPA will approve their security certification statements, perform the required inspections of their facilities, and ensure that the facilities are in compliance with the manual. Upon completing review of the CBI materials, ICF and MER will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1996.

ICF and MER personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: October 21, 1992.

*George A. Bonina,*  
Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-26653 Filed 11-2-92; 8:45 am]  
BILLING CODE 6560-50-F

[OPPTS-140194; FRL-4170-8]

**Access to Confidential Business Information by Syracuse Research Corporation**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has authorized its contractor, Syracuse Research Corporation (SRC), of Syracuse, New York, for access to information which has been submitted to EPA under sections 4, 5, and 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

**DATES:** Access to the confidential data submitted to EPA will occur no sooner than November 18, 1992.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, TSCA Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** Under contract number 68-D2-0141, contractor SRC, of Merrill Lane, Syracuse, NY, will assist the Office of Pollution Prevention and Toxics (OPPT) in collecting and summarizing health and environmental data of existing chemicals.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68-D2-0141, SRC will



require access to CBI submitted to EPA under sections 4, 5, and 8 of TSCA to perform successfully the duties specified under the contract. SRC personnel will be given access to information submitted to EPA under sections 4, 5, and 8 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, and 8 of TSCA that EPA may provide SRC access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and SRC's facility only.

SRC will be authorized access to TSCA CBI at its facility under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. Before access to TSCA CBI is authorized at SRC's site, EPA will approve SRC's security certification statement, perform the required inspection of its facility, and ensure that the facility is in compliance with the manual. Upon completing review of the CBI materials, SRC will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1996.

SRC personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: October 21, 1992.

George A. Bonina,  
Acting Director, Information Management  
Division, Office of Pollution Prevention and  
Toxics.

[FR Doc. 92-26654 Filed 11-2-92; 8:45 am]

BILLING CODE 6560-50-F

## FEDERAL COMMUNICATIONS COMMISSION

### First Meeting of the Small Business Advisory Committee

Dated: October 9, 1992.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, this notice advises interested persons of the first meeting of the Small Business Advisory Committee (SBAC).

**DATES:** Wednesday, November 18, 1992, 8:30 a.m.-1 noon.

**ADDRESSES:** Federal Communications Commission, room 856, Commission

Meeting Room, 1919 M Street, NW.,  
Washington, DC 20554.

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission has established the SBAC to provide advice on how FCC rules and policies impact small businesses and minority enterprise. The SBAC is also charged with recommending changes in existing government rules and policies to facilitate small and minority business participation in telecommunications, especially in new and emerging technologies.

#### Agenda

1. Welcoming Remarks
  - a. Chairman Alfred C. Sikes
  - b. Commissioner James H. Quello (invited)
  - c. Commissioner Sherries P. Marshall (invited)
  - d. Commissioner Andrew C. Barrett
  - e. Commissioner Ervin S. Duggan
  - f. Joshua I. Smith, Chairman, Small Business Advisory Committee (SBAC)
  - g. John R. Winston, Acting Director, FCC Office of Small Business Activities and Designated Federal Officer, SBAC
2. Discussion of SBAC Charter; Mission and Current Tasks
3. Second Annual Conference on Communications, Minority Enterprise and Small Business
4. SBAC Meeting Schedule
5. Committee Organization
6. Discussion
  - a. Policy
  - b. Ownership and Management
  - c. Financing
  - d. New Technology
7. Other Business
8. Adjournment

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. There will be no public oral participation, but the public may submit written comments to John Winston, the Committee's Designated Federal Officer, before the meeting. For additional information, contact John Winston at (202) 632-1571.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 92-26688 Filed 11-2-92; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1915]

## Petitions for Reconsideration and Clarification Application for Review of Actions in Rule Making Proceedings

October 27, 1992.

Petitions for reconsideration or clarification and application for review have been filed in the Commission rule making proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor Downtown Copy Center, (202) 452-1422. Oppositions to these petitions and application must be filed November 18, 1992.

See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

**Subject:** Amendment of parts 0, 1, 2 and 95 of the Commission's Rules to Provide Interactive Video and Data Services. (GN Docket No. 91-2, RM 6196.) Number of Petitions Filed: 3.

**Subject:** Revision of Radio Rules and Policies. (MM Docket No. 91-140.) Number of Petitions Filed: 3.

#### Application for Review

**Subject:** Amendment of § 73.202(b), Table of allotments, FM Broadcast Stations (Seabrook, Huntsville, Bryan, Victoria, Kennedy and George West, Texas) (MM Docket No. 91-180), RM Nos. 7699, 7818, and 7819). Number of Applications Filed: 1.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-26570 Filed 11-2-92; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL MARITIME COMMISSION

### American President Lines, Ltd. et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of



the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 202-010776-071.

*Title:* Asia North America Eastbound Rate Agreement.

*Parties:* American President Lines, Ltd., Kawasaki Kisen Kaisha, Ltd., A. P. Moller-Maersk Line, Mitsui O. S. K. Lines, Ltd., Neptune Orient Lines, Ltd., Nippon Yusen Kaisha Line, Orient Overseas Container Line, Ltd., Sea-Land Service, Inc.

*Synopsis:* The proposed amendment modifies article 14.1 of the Agreement to authorize the parties to agree to or to decline to amend service contracts. It also amends articles 8.3 and 8.5 of the Agreement by establishing the voting requirements applicable to approval of a service contract amendment.

*Agreement No.:* 224-209327-004.

*Title:* San Diego/Pasha Terminal Agreement.

*Parties:* San Diego Unified Port District, Pasha Properties, Inc. ("Pasha").

*Synopsis:* The amendment increases the maximum amount of money Pasha may be reimbursed for certain security related property improvements.

By Order of the Federal Maritime Commission.

Dated: October 28, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-26581 Filed 11-2-92; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Ernest Millard Acree, Sr., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may

express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 23, 1992.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Ernest Millard Acree, Sr.*, Dalton, Georgia, to acquire 11.21 percent; *Ernest Millard Acree, Jr.*, Dalton, Georgia, to acquire 2.80 percent; *William Wesley Fincher, Jr.*, Chatsworth, Georgia, to acquire 13.08 percent; *T. Fay Hurley*, Summerville, Georgia, to acquire 5.61 percent; *Thomas Mitchell Kinnamon*, Dalton, Georgia, to acquire 2.82 percent; *Tom Leslie Manton*, Dalton, Georgia, to acquire 3.73 percent; *Earl Taylor McGhee*, Dalton, Georgia, to acquire 11.21 percent; and *Charles Milford Morgan, Jr.*, Summerville, Georgia, to acquire 5.61 percent of the voting shares of *Adairsville Bancshares, Inc.*, Adairsville, Georgia, and thereby indirectly acquire *The Bank of Adairsville*, Adairsville, Georgia, and *The Peoples Bank*, Crawfordville, Georgia.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *Nasib Gannam*, Whittier, California; to acquire an additional 77.0 percent of the voting shares of *Greater Pacific Bancshares, Inc.*, Whittier, California, for a total of 100 percent, and thereby indirectly acquire *Bank of Whittier, N.A.*, Whittier, California.

2. *Richard F. Demerjian*, Palos Verdes Estates, California; to acquire an additional 0.2 percent of the voting shares of *CombanCorp*, Montebello, California, for a total of 10.1 percent, and thereby indirectly acquire *Commerce National Bank*, City of Commerce, California.

Board of Governors of the Federal Reserve System, October 28, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-26620 Filed 11-2-92; 8:45 am]

BILLING CODE 6210-01-F

### Credit Lyonnais, et al.; Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to

engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 27, 1992.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Credit Lyonnais*, Paris, France; to engage *de novo* through its subsidiary, *C.L. Servicing Corp.*, New York, New York, in acting as a servicing agent for one or more special purpose vehicles (the "SPVS") owned by independent parties. The SPVS will purchase assets from customers of *Credit Lyonnais* and make loans to customers of *Credit Lyonnais* secured by assets pledged by such customers. The SPVS will finance such purchases and loans by issuing commercial paper and possibly other securities. In its capacity as servicing agent, the subsidiary will provide services in connection with the structuring and negotiation of loan and purchase transactions. The subsidiary will also provide services in connection with the administration and monitoring of the asset purchase and loan agreements and the liquidity and credit facilities supporting the obligations of



the SPVS pursuant to §§ 225.25(b)(1) and (b)(3) of the Board's Regulation Y.

**B. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Irwin Financial Corporation*, Columbus, Indiana; to engage *de novo* through its subsidiary, Irwin Union Securities, Inc., Columbus, Indiana, in providing securities brokerage services and investment advisory services on a combined basis pursuant to § 225.25(b)(15) of the Board's Regulation Y.

**C. Federal Reserve Bank of San Francisco** (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *DNB Financial*, Riverside, California; to engage *de novo* through its subsidiary, De Anza National Bank, Riverside, California, in purchasing loans and loan participations as would be made by a mortgage or commercial finance company pursuant to § 225.25(b)(1) of the Board's Regulation Y. This activity will be conducted in the State of California.

Board of Governors of the Federal Reserve System, October 28, 1992.

Jennifer J. Johnson,

*Associate Secretary of the Board.*

[FR Doc. 92-26621 Filed 11-2-92; 8:45 am]

BILLING CODE 6210-01-F

### **First Busey Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 27, 1992.

**A. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Busey Corporation*, Urbana, Illinois; to merge with Empire Capital Corporation, LeRoy, Illinois, and thereby indirectly acquire LeRoy State Bank, LeRoy, Illinois.

**B. Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Rushmore Bancorporation, Inc.*, Worthington, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of First Rushmore Bancshares, Inc., Rushmore, Minnesota, and First State Bank of Rushmore, Rushmore, Minnesota.

**C. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *TEB, Inc.*, Wilmington, Delaware; to acquire 100 percent of the voting shares of the following organizations: CBC, Inc., Wilmington, Delaware, and Cherokee Bancorp, Inc., Longview, Texas, and thereby indirectly acquire The First State Bank, Big Sandy, Texas; Texas National Bank, Longview, Texas, and First State Bank, Rusk, Texas; TFC, Inc., Wilmington, Delaware, and Timpson Financial Corporation, Timpson, Texas, and thereby indirectly acquire First State Bank, Timpson, Texas; and Whifin, Inc., Wilmington, Delaware, and Whitehouse Financial Corporation, Whitehouse, Texas, and thereby indirectly acquire First National Bank of Whitehouse, Whitehouse, Texas.

2. *Texas East Bancorp, Inc.*, Jacksonville, Texas; to acquire 100 percent of the voting shares of the following organizations: CBC, Inc., Wilmington, Delaware, and Cherokee Bancorp, Inc., Longview, Texas, and thereby indirectly acquire The First State Bank, Big Sandy, Texas; Texas National Bank, Longview, Texas, and First State Bank, Rusk, Texas; TFC, Inc., Wilmington, Delaware, and Timpson Financial Corporation, Timpson, Texas, and thereby indirectly acquire First State Bank, Timpson, Texas; and Whifin, Inc., Wilmington, Delaware, and Whitehouse Financial Corporation, Whitehouse, Texas, and thereby indirectly acquire First National Bank of Whitehouse, Whitehouse, Texas.

Board of Governors of the Federal Reserve System, October 28, 1992.

Jennifer J. Johnson,

*Associate Secretary of the Board.*

[FR Doc. 92-26622 Filed 11-2-92; 8:45 am]

BILLING CODE 6210-01-F

### **Scandinaviska Enskilda Banken; Acquisitions of Companies Engaged in Permissible Nonbanking Activities**

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than November 27, 1992.

**A. Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Scandinaviska Enskilda Banken*, Stockholm, Sweden; to acquire Actium



Leasing Corporation and Kadesh Leasing Corporation, both of New York, New York, and thereby engage in making, acquiring and servicing loans or other extensions of credit for Finansskandic Corporation's account or for the account of others pursuant to § 225.25(b)(1)(iv) and (v); and extending credit through the leasing of personal and real property pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 27, 1992.

Jennifer J. Johnson,

*Associate Secretary of the Board.*

[FR Doc. 92-26623 Filed 11-2-92; 8:45 am]

BILLING CODE 6210-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Delegation of Authority Under the Federal Committee Act

##### Delegation of Authority

Notice is hereby given that I have delegated to the Operating Division Heads and the Assistant Secretary for Public Affairs the authority to make determinations that committee meetings or portions thereof may be closed to the public pursuant to the provisions of 5 U.S.C. 552b(c), and 5 U.S.C. App. 2 section 10(d), section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and as hereafter amended.

This authority is to be exercised in accordance with the requirements of the Act and General Services Administration and Departmental regulations, and provided:

(a) The meeting is closed for the shortest time necessary, a summary of the work of the committee during the closed session is made, and a report prepared by the Executive Secretary will be made available promptly to the public;

(b) When feasible, the public is given a timely opportunity to present relevant information to the committee.

##### Limitations

Concurrence for closing the meeting for such purpose is obtained from the Office of Public Affairs and the appropriate attorney in the Office of the General Counsel.

The Assistant Secretary for Health may redelegate this authority to PHS Agency Heads who may redelegate to a single official that reports directly to the Agency Head.

All other OPDIV Heads may redelegate this authority to a single

official who reports directly to the OPDIV Head.

No further redelegation may be made.

##### Supersession

This authority supersedes the January 5, 1973 delegation of authority under the Federal Advisory Committee Act from the Secretary.

##### Effective Date

This delegation becomes effective on October 23, 1992.

Dated: October 23, 1992.

Louis W. Sullivan,

*Secretary.*

[FR Doc. 92-26649 Filed 11-2-92; 8:45 am]

BILLING CODE 4190-04-M

## Centers for Disease Control

### Meeting

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) announces the following meeting.

*Name:* Biologic Toxicity of Agricultural Dusts.

*Time and Date:* 1 p.m.-2:30 p.m., November 19, 1992.

*Place:* Appalachian Laboratory, room 203, NIOSH, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505-2888.

*Status:* Open to the public, limited only by the space available. Viewpoints and suggestions from industry, labor, academic, other government agencies, and the public are invited.

*Purpose:* To conduct an open review of a NIOSH research project in the Division of Respiratory Disease Studies entitled "Biologic Toxicity of Agricultural Dusts."

*Contact Person for Additional Information:* Val Vallyathan, Ph.D., NIOSH, CDC, 944 Chestnut Ridge Road, Mailstop 204, Morgantown, West Virginia 26505-2888, telephone 304/291-4581.

Dated: October 28, 1992.

Elvin Hilyer,

*Associate Director for Policy Coordination, Centers for Disease Control.*

[FR Doc. 92-26612 Filed 11-2-92; 8:45 am]

BILLING CODE 4160-19-M

### Advisory Committee to the Director, Centers for Disease Control; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control (CDC) announces the following committee meeting.

*Name:* Advisory Committee to the Director, CDC.

*Time and Date:* 8:30 a.m.-3 p.m., December 3, 1992.

*Place:* CDC Auditorium A, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

*Status:* Open to the public, limited only by the space available.

*Purpose:* This committee will advise the Director, CDC, on policy issues and broad strategies that will enable CDC, the Nation's prevention agency, to fulfill its mission of preventing unnecessary disease, disability, and premature death, and promoting health. The committee will recommend ways to incorporate prevention activities more fully into health care. It will also provide guidance to help CDC work more effectively with its various constituents, in both the private and public sectors, to make prevention a practical reality.

*Matters To Be Discussed:* This is the initial meeting of the Advisory Committee to the Director, CDC. The agenda will include introductions and a charge to the committee; an overview of CDC, including information about its history, mission, organizational structure, and program priorities; and presentation and response to the results of CDC's strategic thinking process. Agenda items are subject to change as priorities dictate.

*Contact Person for More Information:* Martha F. Katz, Executive Secretary, Advisory Committee to the Director, CDC, 1600 Clifton Road, NE., Mailstop D-23, Atlanta, Georgia 30333, telephone 404/639-3243.

Dated: October 26, 1992.

Elvin Hilyer,

*Associate Director for Policy Coordination, Centers for Disease Control.*

[FR Doc. 92-26613 Filed 11-2-92; 8:45 am]

BILLING CODE 4160-19-M

## Idaho National Engineering Laboratory Environmental Dose Reconstruction Project; Public Meetings

The National Center for Environmental Health (NCEH), Centers for Disease Control (CDC), announces the following meetings.

*Name:* Idaho National Engineering Laboratory Environmental Dose Reconstruction Project.

*Date:* November 18, 1992.

*Time:* 7 p.m.-9 p.m.

*Place:* Holiday Inn, 414 West Appleway, Coeur D'Alene, Idaho 83814.

*Date:* November 17, 1992.

*Time:* 7 p.m.-9 p.m.

*Place:* Owyhee Plaza Hotel, 1109 Main Street, Boise, Idaho 83702.

*Date:* November 18, 1992.

*Time:* 7 p.m.-9 p.m.

*Place:* Canyon Springs Inn, 1357 Blue Lakes Blvd., North, Twin Falls, Idaho 83391.

*Date:* November 19, 1992.

*Time:* 7 p.m.-9 p.m.

*Place:* Shilo Inn, 780 Lindsay Blvd., Idaho Falls, Idaho 83402.

*Status:* Open to the public for observation and comment, limited only by space



available. The meeting rooms accommodate approximately 100 people.

*Purpose:* Under a Memorandum of Understanding (MOU) with the Department of Energy (DOE), the Department of Health and Human Services has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use.

An initial step in an analytic epidemiologic study for persons living offsite of a given DOE facility is the reconstruction of radiation doses due to releases from that facility. CDC is beginning such an environmental dose reconstruction for DOE's Idaho National Engineering Laboratory near Idaho Falls, Idaho. A contractor has been selected to begin gathering the data necessary to perform the dose reconstruction and to provide for logistics of public involvement in this project. The purpose of these public meetings is to introduce the contractor to the community, to outline the project for the public, and to solicit public comments and suggestions on all aspects of the dose reconstruction.

Agenda items are subject to change as priorities dictate.

*Contact Person for More Information:* Leeann Sewell, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway NE., (F-35), Atlanta, Georgia, 30341-3724, telephone 404/488-7040.

Dated: October 28, 1992.

Elvin Hilyer,

*Associate Director for Policy Coordination, Centers for Disease Control.*

[FR Doc. 92-26609 Filed 11-2-92; 8:45 am]

BILLING CODE 4160-18-M

### Studies of Airway Closure and Emphysema; Meeting

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) announces the following meeting:

*Name:* Studies of Airway Closure and Emphysema.

*Time and Date:* 8 a.m.-9:30 a.m., November 19, 1992.

*Place:* Appalachian Laboratory, room 203, NIOSH, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505-2888.

*Status:* Open to the public, limited only by the space available. Viewpoints and suggestions from industry, labor, academia, other government agencies, and the public are invited.

*Purpose:* To conduct an open review of a NIOSH research project in the Division of Respiratory Disease Studies entitled "Studies of Airway Closure and Emphysema."

*Contact Person for Additional Information:* David Frazer, Ph.D., NIOSH, CDC, 944 Chestnut Ridge Road, Mailstop 207, Morgantown West Virginia 26505-2888, telephone 304/291-43561.

Dated: October 28, 1992.

Elvin Hilyer,

*Associate Director for Policy Coordination, Centers for Disease Control.*

[FR Doc. 92-26610 Filed 11-2-92; 8:45 am]

BILLING CODE 4160-19-M

### Silica on Pulmonary Enzymes; Meeting

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) announces the following meeting.

*Name:* Effects of Silica on Pulmonary Enzymes.

*Time and Date:* 10 a.m.-11:30 a.m., November 19, 1992.

*Place:* Appalachian Laboratory, room 203, NIOSH, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505-2888.

*Status:* Open to the public, limited only by the space available. Viewpoints and suggestions from industry, labor, academia, other government agencies, and the public are invited.

*Purpose:* To conduct an open review of a NIOSH research project in the Division of Respiratory Disease Studies entitled "Effects of Silica on Pulmonary Enzymes."

*Contact Person for Additional Information:* Philip Miles, Ph.D., NIOSH, CDC, 944 Chestnut Ridge Road, Mailstop 207, Morgantown, West Virginia 26505-2888, telephone 304/291-4561.

Dated: October 26, 1992.

Elvin Hilyer,

*Associate Director for Policy Coordination, Centers for Disease Control.*

[FR Doc. 92-26611 Filed 11-2-92; 8:45 am]

BILLING CODE 4160-19-M

### Food and Drug Administration

#### Clinical Studies of Safety and Effectiveness of Orphan Products; Availability of Grants; Request for Applications

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of funds for fiscal year FY 1993 for awarding grants to support clinical trials on safety and effectiveness of orphan products in rare diseases and conditions (i.e., one affecting fewer than 200,000 people in the United States). Contingent on availability of FY 1993 funds, FDA intends to award approximately \$3 million for 15 to 20 grants of up to \$100,000 each in direct costs per annum for up to 3 years. Applications exceeding this direct cost limit will be considered nonresponsive and will be

returned to the applicant. An investigational new drug (IND) or investigational device exemption (IDE) number must appear on the face page of the application with the title of the project. Applicants may submit either an application under this announcement (RFA-FDA-OP-93-1) or under RFA-FDA-OP-93-2, but may not submit under both for the same product and indication.

**DATES:** The closing date of submission of applications is February 1, 1993.

**ADDRESSES:** Application forms are available from, and completed applications should be submitted to: Robert L. Robins, Grants Management Officer, State Contracts and Assistance Agreements Branch (HFA-520), Food and Drug Administration, Park Bldg., rm. 3-40, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6170.

*Note:* Applications hand-carried or commercially delivered should be addressed to the Park Bldg., rm. 3-40, 12420 Parklawn Dr., Rockville, MD 20857. Do not send applications to the Division of Research Grants, National Institutes of Health (NIH).

**FOR FURTHER INFORMATION CONTACT:** Regarding the administrative and financial management aspects of this notice: Robert L. Robins, address above.

Regarding the programmatic aspects of this notice: Carol A. Wetmore or Patricia R. Robuck, Office of Orphan Products Development (HF-35), Food and Drug Administration, 5600 Fishers Lane, rm. 8-73, Rockville, MD 20857, 301-443-4903.

**SUPPLEMENTARY INFORMATION:** FDA will support and fund the clinical studies covered by this notice under section 301 of the Public Health Service Act (42 U.S.C. 241). FDA's research program is described in the Catalog of Federal Domestic Assistance, No. 93.103.

The Public Health Service (PHS) urges applicants to submit work plans that address specific objectives of "Healthy People 2000." Potential applicants may obtain a copy of "Healthy People 2000" (Full Report, stock No. 017-001-00474-0) or "Healthy People 2000" (Summary Report, stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, 202-783-3238.

#### I. Background

The Office of Orphan Products Development (OPD) was established to identify and facilitate the availability of orphan products. In the OPD grants program, orphan products are defined as drugs, biologics, medical devices, and foods for medical purposes which are indicated for a rare disease or condition



(i.e., one affecting fewer than 200,000 people in the United States).

One way to make orphan products available is to support clinical research to determine whether the products are safe and effective. FDA has allocated funds to support such research since FY 1983. All funded studies are subject to the requirements of the Federal Food, Drug, and Cosmetic Act (the act) and regulations promulgated thereunder. The grants are funded under the legislative authority of section 301 of the Public Health Service Act.

## II. Research Goals and Objectives

### A. Clinical Studies

The goal of FDA's OPD grants program is to encourage clinical development of products for use in rare diseases or conditions. In the furtherance of this goal, FDA provides grants to conduct clinical studies intended to provide data acceptable to the agency which will either result in or substantially contribute to approval of these products. Applicants should keep this goal in mind and must include an explanation in the "Specific Aims" section of the application of how their proposed study will either facilitate product approval or provide essential data needed for product development. The application will be considered nonresponsive without this explanation in the "Specific Aims" section.

Except for medical foods that do not require premarket approval, FDA will only consider awarding grants to support clinical studies for determining whether the products are safe and effective for premarket approval under the act (21 U.S.C. 301 *et seq.*) or under section 351 of the Public Health Service Act (42 U.S.C. 262). In most cases, preliminary clinical research suggesting effectiveness and relative safety will already be available.

Applications should propose a clinical trial of one therapy for one indication. The applicant must provide supporting evidence that sufficient quantity of the product to be investigated is available to the applicant in the form needed for the clinical trial. The applicant must also provide supporting evidence that the patient population has been surveyed and that there is reasonable assurance that the necessary number of eligible patients is available for the study.

The typical study that FDA will consider for support may involve up to several dozen subjects, will be well-controlled, and will be designed to provide substantial evidence of the safety and effectiveness of the product.

FDA's standards for adequate and well-controlled studies should be

followed. In designing a well-controlled study, the investigator should especially keep in mind that historical controls or use of the subjects as their own control is generally less desirable and reliable than active control or placebo controls. The applicant's proposal should provide a rationale for use of the control method chosen to satisfy considerations of scientific quality.

### B. Significance

All investigators submitting a grant application for a proposed orphan use in response to this request for applications must include in the "Specific Aims" section of the "Research Plan" of their application an explanation of why the product and the proposed indication for use meet the objectives of the OPD grants program as described in the "Background" section of this notice. Unless the product has previously been designated as an orphan product, documentation with authoritative references must be provided to demonstrate that the disease or condition for which the product is intended affects fewer than 200,000 people in the United States or, if the product is a vaccine, diagnostic drug, or preventive drug, the persons to whom the drug will be administered in the United States are fewer than 200,000 per year. Supporting documentation may be placed in an appendix if referred to in the "Specific Aims" section. The application will be considered nonresponsive if this explanation is not supported adequately with data and/or reference citations in the "Specific Aims" section.

### C. Statistical Support

Statistical expertise is vital in the planning, design, execution, and analysis of clinical investigations and clinical pharmacology to ensure the validity of estimates of safety and efficacy obtained from human studies. Applicants are expected to provide a statistical justification for the number of patients chosen for the trial based on the proposed outcome measures. Applicants should also document the appropriateness of the statistical procedures to be used in analysis of the results.

### D. Journal References

Published reports are necessary and often critical for the review process and help to support the investigator's research intent. Applicants may include copies of reprints of relevant references for FDA review. This should include favorable as well as unfavorable reports. Applicants should follow "Section D., Specific Instructions—

Appendix," of the application kit (the original and five copies if using Grant Application Form PHS 398 or the original and two copies of Form PHS 5161). The application may be returned if the applicant fails to observe the Appendix size limitations.

## III. Human Subject Protection and Informed Consent

### A. Research Involving Human Subjects

Applicants should carefully review the section on human subjects in the application kit. "Section B. Specific Instructions—Forms, Item 4, Human Subjects," on pages 11 through 13 of the application kit should be carefully reviewed for the certification of Institutional Review Board (IRB) approval requirements. Documentation of IRB approval for every participating center is required to be on file with the Grants Management Officer, FDA. The goal should be to include enough information on the protection of human subjects in a sufficiently clear fashion so reviewers will have adequate material to make a complete review.

### B. Informed Consent

Consent and/or assent forms and any additional information to be given to a subject should accompany the grant application. Information that is given to the subject or the subject's representative shall be in language that the subject or his or her representative can understand. No informed consent, whether oral or written, may include any language through which the subject or the subject's representative is made to waive any of the subject's legal rights, or by which the subject or representative releases or appears to release the investigator, the sponsor, or the institution or its agent from liability.

If a study involves both adults and children, separate consent forms must be provided for the adults and the parents or guardians of the children.

### C. Elements of Informed Consent

The elements of informed consent are as stated in the regulations at 45 CFR 46.116 and 21 CFR 50.25 as follows:

1. *Basic elements of informed consent*  
In seeking informed consent, the following information shall be provided to each subject.

(a) A statement that the study involves research, an explanation of the purposes of the research and the expected duration of the subject's participation, a description of the procedures to be followed, and identification of any procedures which are experimental.



(b) A description of any reasonably foreseeable risks or discomforts to the subject.

(c) A description of any benefits to the subject or to others which may reasonably be expected from the research.

(d) A disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous to the subject.

(e) A statement that describes the extent, if any, to which confidentiality of records identifying the subject will be maintained, and that notes the possibility that FDA may inspect the records.

(f) For research involving more than minimal risk, an explanation as to whether any compensation and any medical treatments are available if injury occurs and, if so, what they consist of or where further information may be obtained.

(g) An explanation of whom to contact for answers to pertinent questions about the research and research subject's rights, and whom to contact in the event of research-related injury to the subject.

(h) A statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and that the subject may discontinue participation at any time without penalty or loss of benefits to which the subject is otherwise entitled.

2. *Additional elements of informed consent.* When appropriate, one or more of the following elements of information shall also be provided to each subject.

(a) A statement that the particular treatment or procedure may involve risks to the subject (or the embryo or fetus, if the subject is or may become pregnant) which are currently unforeseeable.

(b) Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's consent.

(c) Any costs to the subject that may result from participation in the research.

(d) The consequences of a subject's decision to withdraw from the research and procedures for orderly termination of participation by the subject.

(e) A statement that significant new findings developed during the course of the research which may relate to the subject's willingness to continue participation will be provided to the subject.

(f) The approximate number of subjects involved in the study.

The informed consent requirements are not intended to preempt any applicable Federal, State, or local laws which require additional information to

be disclosed for informed consent to be legally effective.

Nothing in the notice is intended to limit the authority of a physician to provide emergency medical care to the extent that a physician is permitted to do so under applicable Federal, State, or local law.

#### IV. Reporting Requirements

An annual Financial Status Report (SF-269) is required. The original and two copies of this report must be submitted to FDA's Grants Management Officer within 90 days of the budget expiration date of the grant. Failure to file the Financial Status Report (SF-269) on time will be grounds for suspension or termination of the grant.

For continuing grants, an annual program progress report is also required. The noncompeting continuation application (PHS 2590) will be considered the annual program progress report.

A final program progress report, Financial Status Report (SF-269) and Invention Statement must be submitted within 90 days after the expiration of the project period as noted on the Notice of Grant Award.

Program monitoring of grantees will be conducted on an ongoing basis and written reports will be done by the project officer. The monitoring may be in the form of telephone conversations between the project officer/grants management specialist and the principal investigator and/or a site visit with appropriate officials of the grantee organization. The results of these reports will be recorded in the official grant file and may be available to the grantee upon request.

#### V. Mechanism of Support

##### A. Award Instrument

Support will be in the form of a grant. All awards will be subject to all policies and requirements that govern the research grant programs of PHS, including the provisions of 42 CFR part 52 and 45 CFR parts 74 and 92. The regulations promulgated under Executive Order 12372 do not apply to this program.

All grant awards are subject to applicable requirements for clinical investigations imposed by sections 505, 507, 512, and 515 of the act (21 U.S.C. 355, 357, 360b, and 360e), section 351 of the Public Health Service Act, and regulations promulgated under any of these sections.

##### B. Eligibility

These grants are available to any public or private nonprofit entity

(including State and local units of government) and any for-profit entity. For-profit entities must exclude fees or profit from their request for support.

##### C. Length of Support

The length of the study will depend upon the nature of the study. For those studies with an expected duration of more than 1 year, a second and third year of noncompetitive continuation of support will depend on: (1) Performance during the preceding year and (2) the availability of Federal fiscal year appropriations.

##### D. Funding Plan

The number of studies funded will depend on the quality of the applications received and the availability of Federal funds to support the projects. Before an award will be made, the status of the IND or the IDE will be verified. Further, documentation of IRB approvals for all performance sites must be on file with the Grants Management Officer, FDA (address above).

Resources for this program are limited. Therefore, should FDA approve two or more applications which propose duplicative or very similar studies, FDA will support only the study with the best score.

#### VI. Review Procedure and Criteria

##### A. Review Method

All applications submitted in response to this request for applications will first be reviewed by grants management and program staff for responsiveness to this request for applications. If applications are found to be nonresponsive, they will be returned to the applicant. Applicants may submit either an application under this announcement (RFA-FDA-OP-93-1) or under RFA-FDA-OP-93-2, but may not submit under both.

Responsive applications will be reviewed and evaluated for scientific and technical merit by a panel of experts in the subject field of the specific application. Responsive applications will also be subject to a second level of review by a National Advisory Council for concurrence of the recommendations made by the first-level reviewers with funding decisions made by the Commissioner of Food and Drugs.

##### B. Responsiveness Review Criteria

Before the applications are sent out for the first level review, they will be evaluated by program and grants management staff for responsiveness according to the following criteria:



1. Whether the application proposes a clinical trial to determine safety and efficacy of an orphan product;

2. Whether a well-supported explanation is included (supplemented as appropriate with documentation in the appendices) as to why the product is appropriate to the objectives of the OPD grants program;

3. Whether an explanation has been included as to how the proposed study will either facilitate product approval or provide essential data needed for product development;

4. Whether the IND/IDE number is noted on the face page of the application with the title of the project;

5. Whether the product is subject to FDA review prior to marketing. (Medical foods will be exempt when they are not subject to premarket approval requirements.); and

6. Whether the requested budget is within the limits (up to \$100,000 in direct costs) as stated in this request for applications.

Applications considered nonresponsive will be returned to the applicant.

#### C. Scientific/Technical Review Criteria

For the first level of review, the scientific and technical merit criteria are:

1. The soundness of the rationale for the proposed study;

2. The quality and appropriateness of the study design;

3. The statistical justification for the number of patients chosen for the trial, based on the proposed outcome measures and the appropriateness of the statistical procedures to be used in analysis of the results;

4. The adequacy of the evidence that the proposed number of eligible subjects can be recruited;

5. The qualifications of the investigator and support staff and resources available to them;

6. The evidence that a sufficient quantity of the product is available to the applicant in the form needed for the investigation. (A current letter from the supplier as an appendix will be acceptable.);

7. The adequacy of the justification for the request for financial support;

8. The adequacy of plans for complying with regulations for protection of human subjects; and

9. The ability of the applicant to complete the proposed study within its budget and within time limitations stated in this request for applications.

The priority score will be based on the above scientific/technical review criteria (section VI.C.). In addition, the reviewers may advise the program staff

concerning the appropriateness of the proposal to the objectives of the OPD Grants Program.

#### VII. Submission Requirements

The original and five copies of the completed Grant Application Form PHS 398 (Rev. 9/91) or the original and two copies of Form PHS 5161 (Rev. 3/89) for State and local governments, with copies of the appendices for each of the copies, should be delivered to Robert L. Robins (address above). No supplemental material will be accepted after the closing date. Evidence of final IRB approval will be accepted for the file after the closing date, but it will not be sent out to the first level reviewers.

The outside of the mailing package and item 2 of the application face page should be labeled, "Response to RFA-FDA-OP-93-1."

#### VIII. Method of Application

##### A. Submission Instructions

Applications will be accepted during normal working hours, 8 a.m. to 4:30 p.m., Monday through Friday, on or before February 1, 1993. Applications will be considered received on time if sent on or before the closing date(s) as evidenced by a legible U.S. Postal Service dated postmark or a legible date receipt from a commercial carrier, unless they arrive too late for orderly processing. Private, metered postmarks shall not be acceptable as proof of timely mailing. Applications not received on time will not be considered for review and will be returned to the applicant.

Note: Applicants should note that the U.S. Postal Service does not uniformly provide dated postmarks. Before relying on the method, applicants should check with their local post office.

##### B. Format for Application

Applications must be submitted on Grant Application Form PHS 398 (Rev. 9/91). All "General Instructions" and "Specific Instructions" in the application kit should be followed with the exception of the receipt dates and the mailing label address. Do not send applications to the Division of Research Grants, NIH. Applications from State and local governments should be submitted on Form PHS 5161 (Rev. 3/89). The face page of the application must reflect the request for applications number RFA-FDA-OP-93-1. The title of the proposed study must include the name of the product and the disease/disorder to be studied along with the IND/IDE number. Data included in the application, if restricted with the legend specified below, may be entitled to confidential treatment as trade secret or

confidential commercial information within the meaning of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and FDA's implementing regulations (21 CFR 20.61).

Information collection requirements requested on Form PHS 398 and the instructions have been submitted by PHS to the Office of Management and Budget (OMB) and were approved and assigned OMB control number 0925-0001.

#### C. Legend

Unless disclosure is required by the Freedom of Information Act as amended (5 U.S.C. 552) as determined by the freedom of information officials of the Department of Health and Human Services or by a court, data contained in the portions of this application which have been specifically identified by page number, paragraph, etc., by the applicant as containing restricted information shall not be used or disclosed except for evaluation purposes.

Dated: September 30, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-26682 Filed 11-2-92; 8:45 a.m.]

BILLING CODE 4160-01-F

### Clinical Studies of Safety and Effectiveness of Orphan Products; Availability of Grants; Request for Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of funds for fiscal year (FY) 1993 for awarding grants to support phase 2 and phase 3 clinical trials on safety and effectiveness of orphan products in rare diseases and conditions (i.e., one affecting fewer than 200,000 people in the United States). Contingent on availability of FY 1993 funds, FDA intends to award no more than \$1.2 million a year for up to four grants. Each award will be for up to \$200,000 in direct costs per annum plus applicable indirect costs for up to 2 years. Applications exceeding this direct cost limit will be considered nonresponsive and will be returned to the applicant. An investigational new drug (IND) or investigational device exemption (IDE) number must appear on the face page of the application with the title of the project. Applicants may submit either a application under this announcement (RFA-FDA-OP-93-2) or under RFA-



FDA-OP-93-1, but may not submit under both for the same product and indication.

**DATES:** The closing date for submission of applications is February 1, 1993.

**ADDRESSES:** Application forms are available from, and completed applications should be submitted to: Robert L. Robins, Grants Management Officer, State Contracts and Assistance Agreements Branch (HFA-520), Food and Drug Administration, Park Bldg., rm. 3-40, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6170.

**NOTE:** Applications hand-carried or commercially delivered should be addressed to Park Bldg., rm. 3-40, 12420 Parklawn Dr., Rockville, MD 20857. Do not send applications to the Division of Research Grants, National Institutes of Health (NIH).

**FOR FURTHER INFORMATION CONTACT:** Regarding the administrative and financial management aspects of this notice: Robert L. Robins, address above.

Regarding the programmatic aspects of this notice: Carol A. Wetmore or Patricia R. Robuck, Office of Orphan Products Development (HF-35), Food and Drug Administration, 5600 Fishers Lane, rm. 8-73, Rockville, MD 20857, 301-443-4903.

**SUPPLEMENTARY INFORMATION:** FDA will support the clinical studies covered by this notice under section 301 of the Public Health Service Act (42 U.S.C. 241). FDA's research program is described in the Catalog of Federal Domestic Assistance, No. 93.103.

The Public Health Service (PHS) urges applicants to submit work plans that address specific objectives of the publication "Healthy People 2000." Potential applicants may obtain a copy of "Healthy People 2000" (Full Report; Stock No. 017-001-00474-0) or "Healthy People 2000" (Summary Report; Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, 202-783-3238.

## I. Background

The Office of Orphan Products Development (OPD) was established to identify and facilitate the availability of orphan products. In the OPD grants program, orphan products are defined as drugs, biologics, medical devices, and foods for medical purposes which are indicated for a rare disease or condition (i.e., one affecting fewer than 200,000 people in the United States).

One way to make orphan products available is to support clinical research to determine whether the products are safe and effective. FDA has allocated funds to support such research since FY 1983. All funded studies are subject to

the requirements of the Federal Food, Drug, and Cosmetic Act (the act) and regulations promulgated thereunder. The grants are funded under the legislative authority of section 301 of the Public Health Service Act.

## II. Research Goals and Objectives

### A. Clinical Studies

The goal of FDA's OPD grants program is to encourage clinical development of products for use in rare diseases or conditions. In furtherance of this goal, FDA provides grants to conduct clinical studies intended to provide data acceptable to the agency which will either result in or substantially contribute to approval of these products. Applicants should keep this goal in mind and must include an explanation in the "Specific Aims" section of the application of how their proposed study will either facilitate product approval or provide essential data needed for product development. The application will be considered nonresponsive without this explanation in the "Specific Aims" section.

Except for medical foods that do not require premarket approval, FDA will only consider awarding grants to support clinical studies for determining whether the products are safe and effective for premarket approval under the act (21 U.S.C. 301 *et seq.*) or under section 351 of the Public Health Service Act (42 U.S.C. 262). In most cases, preliminary clinical research suggesting effectiveness and relative safety will be already available.

Studies submitted in response to this announcement must be continuing in phase 2 or phase 3 of investigation. Phase 2 trials include controlled clinical studies conducted to evaluate the effectiveness of the drug for a particular indication in patients with the disease or condition and to determine the common or short-term side effects and risks associated with the drug. Phase 3 trials gather additional information about effectiveness and safety that is necessary to evaluate the overall benefit-risk relationship of the drug and to provide an adequate basis for physician labeling. Phase 1 studies will be considered nonresponsive to this announcement. (See announcement RFA-FDA-OP-93-1.)

Applications should propose a clinical trial of one therapy for one indication. The applicant must provide supporting evidence that a sufficient quantity of the product to be investigated is available to the applicant in the form needed for the clinical trial. The applicant must also provide supporting evidence that the patient population has been surveyed

and that there is reasonable assurance that the necessary number of eligible patients is available for the study.

The typical study that FDA will consider for support may involve up to several dozen subjects, will be well-controlled, and will be designed to provide substantial evidence of the safety and effectiveness of the product.

FDA's standards for adequate and well-controlled studies should be followed. In designing a well-controlled study, the investigator should especially keep in mind that historical controls or use of the subjects as their own control is generally less desirable and reliable than active control or placebo controls. The applicant's proposal should provide a rationale for use of the control method chosen to satisfy considerations of scientific quality.

### B. Significance

All investigators submitting a grant application for a proposed orphan use in response to this request for applications must include in the "Specific Aims" section of the "Research Plan" of their application, an explanation of why the product and the proposed indication for use meet the objectives of the OPD grants program as described in the "Background" section of this notice. Unless the product has previously been designated as an orphan product, documentation with authoritative references must be provided to demonstrate that the disease or condition for which the product is intended affects fewer than 200,000 people in the United States or, if the product is a vaccine, diagnostic drug, or preventive drug, the persons to whom the drug will be administered in the United States are fewer than 200,000 per year. Supporting documentation may be placed in an appendix if referred to in the "Specific Aims" section. The application will be considered nonresponsive if this explanation is not supported adequately with the data and/or reference citations in the "Specific Aims" section.

### C. Statistical Support

Statistical expertise is vital in the planning, design, execution, and analysis of clinical investigations and clinical pharmacology to ensure the validity of estimates of safety and efficacy obtained from human studies. Applicants are expected to provide a statistical justification for the number of patients chosen for the trial based on the proposed outcome measures. Applicants should also document the appropriateness of the statistical



procedures to be used in analysis of the results.

#### D. Journal References

Published reports are necessary and often critical for the review process and help to support the investigator's research intent. Applicants may include copies of reprints of relevant references for FDA review. This should include favorable as well as unfavorable reports. Applicants should follow Section D., Specific Instructions—Appendix of the application kit (the original and five copies if using Grant Application Form PHS 398 (Rev. 9/91) or the original and two copies of the PHS 5161 (Rev. 3/89)). The application may be returned if the applicant fails to observe the Appendix size limitations.

### III. Human Subject Protection and Informed Consent

#### A. Research Involving Human Subjects

Applicants should carefully review the section on human subjects in the application kit. Section B. Specific Instructions—Forms, Item 4, Human Subjects, on pages 11 through 13 of the application kit should be carefully reviewed for the certification of Institutional Review Board (IRB) approval requirements. Documentation of IRB approval for every participating center is required to be on file with the Grants Management Officer, FDA. The goal should be to include enough information on the protection of human subjects in a sufficiently clear fashion so reviewers will have adequate material to make a complete review.

#### B. Informed Consent

Consent and/or assent forms and any additional information to be given to a subject should accompany the grant application. Information that is given to the subject or the subject's representative shall be in language that the subject or his or her representative can understand. No informed consent, whether oral or written, may include any language through which the subject or the subject's representative is made to waive any of the subject's legal rights, or by which the subject or representative releases or appears to release the investigator, the sponsor, or the institution or its agent from liability.

If a study involves both adults and children, separate consent forms must be provided for the adults and the parents or guardians of the children.

#### C. Elements of Informed Consent

The elements of informed consent are as stated in the regulations at 45 CFR 46.116 and 21 CFR 50.25 as follows:

#### 1. Basic elements of informed consent.

In seeking informed consent, the following information shall be provided to each subject:

(a) A statement that the study involves research, an explanation of the purposes of the research and the expected duration of the subject's participation, a description of the procedures to be followed, and identification of any procedures which are experimental.

(b) A description of any reasonably foreseeable risks or discomforts to the subject.

(c) A description of any benefits to the subject or to others which may reasonably be expected from the research.

(d) A disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous to the subject.

(e) A statement that describes the extent, if any, to which confidentiality of records identifying the subject will be maintained, and that notes the possibility that FDA may inspect the records.

(f) For research involving more than minimal risk, an explanation as to whether any compensation and any medical treatments are available if injury occurs and, if so, what they consist of or where further information may be obtained.

(g) An explanation of whom to contact for answers to pertinent questions about the research and research subject's rights, and whom to contact in the event of research-related injury to the subject.

(h) A statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and that the subject may discontinue participation at any time without penalty or loss of benefits to which the subject is otherwise entitled.

#### 2. Additional elements of informed consent.

When appropriate, one or more of the following elements of information shall also be provided to each subject:

(a) A statement that the particular treatment or procedure may involve risks to the subject (or the embryo or fetus, if the subject is or may become pregnant) which are currently unforeseeable.

(b) Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's consent.

(c) Any costs to the subject that may result from participation in the research.

(d) The consequences of a subject's decision to withdraw from the research and procedures for orderly termination of participation by the subject.

(e) A statement that significant new findings developed during the course of the research which may relate to the subject's willingness to continue participation will be provided to the subject.

(f) The approximate number of subjects involved in the study.

The informed consent requirements are not intended to preempt any applicable Federal, State, or local laws which require additional information to be disclosed for informed consent to be legally effective.

Nothing in the notice is intended to limit the authority of a physician to provide emergency medical care to the extent that a physician is permitted to do so under applicable Federal, State, or local law.

### IV. Reporting Requirements

An annual Financial Status Report (FSR) (SF-269) is required. An original FSR and two copies of this report must be submitted to FDA's Grants Management Officer within 90 days of the budget expiration date of the grant. Failure to file the FSR (SF-269) in a timely fashion will be grounds for suspension or termination of the grant.

For continuing grants, an annual program progress report is also required. The noncompeting continuation application (PHS 2590) will be considered the annual program progress report.

A final program progress report, FSR (SF-269) and Invention Statement must be submitted within 90 days after the expiration of the project period as noted on the Notice of Grant Award.

Program monitoring of grantees will be conducted on an ongoing basis and written reports will be done by the project officer. The monitoring may be in the form of telephone conversations between the project officer/grants management specialist and the principal investigator and/or a site visit with appropriate officials of the grantee organization. The results of these reports will be recorded in the official grant file and may be available to the grantee upon request.

### V. Mechanism of Support

#### A. Award Instrument

Support for this program will be in the form of a grant. All awards will be subject to all policies and requirements that govern the research grant programs of PHS, including the provisions of 42 CFR Part 52 and 45 CFR Parts 74 and 92. The regulations promulgated under Executive Order 12372 do not apply to this program.



All grant awards are subject to applicable requirements for clinical investigations imposed by sections 505, 507, 512, and 515 of the act (21 U.S.C. 355, 357, 360b, and 360e), section 351 of the Public Health Service Act, and regulations promulgated under any of these sections.

#### B. Eligibility

These grants are available to any public or private nonprofit entity (including State and local units of government) and any for-profit entity. For-profit entities must exclude fees or profit from their request for support.

#### C. Length of Support

The length of the study will depend upon the nature of the study. For those studies with an expected duration of more than 1 year, a second year of noncompetitive continuation of support will depend on: (1) Performance during the preceding year and (2) the availability of Federal fiscal year appropriations.

#### D. Funding Plan

The number of studies funded will depend on the quality of the applications received and the availability of Federal funds to support the projects. No more than four awards will be made. Before an award will be made, the status of the IND or the IDE will be verified. Further, documentation of IRB approvals for all performance sites must be on file with the Grants Management Officer, FDA (address above).

Resources for this program are limited. Therefore, should FDA approve two or more applications which propose duplicative or very similar studies, FDA will support only the study with the best score.

### VI. Review Procedures and Criteria

#### A. Review Methods

All applications submitted in response to this request for applications will first be reviewed by grants management and program staff for responsiveness to this request for applications. If applications are found to be nonresponsive, they will be returned to the applicant. Applicants may submit either an application under this announcement (RFA-FDA-OP-93-2) or under RFA-FDA-OP-93-1, but may not submit under both.

Responsive applications will be reviewed and evaluated for scientific and technical merit by experts in the subject field of the specific application. Responsive applications will also be subject to a second level of review by a National Advisory Council for

concurrence of the recommendations made by the first-level reviewers with funding decisions made by the Commissioner of Food and Drugs.

#### B. Responsiveness Review Criteria

Before the applications are sent out for the first level review, they will be evaluated by program and grants management staff for responsiveness according to the following criteria:

1. Whether the application proposes a clinical trial, conducted in phase 2 or phase 3 of the study to determine safety and efficacy of an orphan product. (Phase 1 studies will be considered nonresponsive. Please see RFA-FDA-OP-93-1.);

2. Whether a well-supported explanation is included (supplemented as appropriate with documentation in the appendices) as to why the product is appropriate to the objectives of the OPD grants program;

3. Whether an explanation has been included as to how the proposed study will either facilitate product approval or provide essential data needed for product development;

4. Whether the IND/IDE number is noted on the face page of the application with the title of the project;

5. Whether the product is subject to FDA review prior to marketing. Medical foods will be exempt when they are not subject to premarket approval requirements; and

6. Whether the requested budget is within the limits (up to \$200,000 in direct costs) as stated in this request for applications.

Applications considered nonresponsive will be returned to the applicant.

#### C. Scientific/Technical Review Criteria

For the first level of review, the scientific and technical merit criteria are:

1. The soundness of the rationale for the proposed study;

2. The quality and appropriateness of the study design;

3. The statistical justification for the number of patients chosen for the trial, based on the proposed outcome measures and the appropriateness of the statistical procedures to be used in analysis of the results;

4. The adequacy of the evidence that the proposed number of eligible subjects can be recruited;

5. The qualifications of the investigator and support staff and resources available to them;

6. The evidence that a sufficient quantity of the product is available to the applicant in the form needed for the investigation (a current letter from the

supplier as an appendix will be acceptable);

7. The adequacy of the justification for the request for financial support;

8. The adequacy of plans for complying with regulations for protection of human subjects; and

9. The ability of the applicant to complete the proposed study within its budget and within time limitations stated in this request for applications.

The priority score will be based on the scientific/technical review criteria (section VI. C.). In addition, the reviewers may advise the program staff concerning the appropriateness of the proposal to the objectives of the OPD Grants Program.

### VII. Submission Requirements

The original and five copies of the completed Grant Application Form PHS 398 (Rev. 9/91) or the original and two copies of the PHS 5161 (Rev. 3/89) for State and local governments, with sufficient copies of the appendix for each application, should be delivered to Robert L. Robins (address above). No supplemental material will be accepted after the closing date. Evidence of final IRB approval will be accepted for the file after the closing date, but it will not be sent out to the first level reviewers.

The outside of the mailing package and item No. 2 of the application face page should be labeled, "Response to RFA-FDA-OP-93-2."

### VIII. Method of Application

#### A. Submission Instructions

Applications will be accepted during normal working hours, 8 a.m. to 4:30 p.m., Monday through Friday, on or before February 1, 1993. Applications will be considered received on time if sent on or before the closing date as evidenced by a legible U.S. Postal Service dated postmark or a legible dated receipt from a commercial carrier, unless they arrive too late for orderly processing. Private metered postmarks shall not be acceptable as proof of timely mailing. Applications not received on time will not be considered for review and will be returned to the applicant.

NOTE: Applicants should note that the U.S. Postal Service does not uniformly provide dated postmarks. Before relying on the method, applicants should check with their local post office.

#### B. Format for Application

Applications must be submitted on Grant Application Form PHS 398 (Rev. 9/91). All "General Instructions" and "Specific Instructions" in the application kit should be followed with the



exception of the receipt dates and the mailing label address. Do not send applications to the Division of Research Grants, NIH. Applications from State and local governments should be submitted on Form PHS 5161 (Rev. 3/89). The face page of the application must reflect the request for applications number RFA-FDA-OP-93-2. The title of the proposed study must include the name of the product and the disease/disorder to be studied along with the IND/IDE number. Data included in the application, if restricted with the legend specified below, may be entitled to confidential treatment as trade secret or confidential commercial information within the meaning of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and FDA's implementing regulations (21 CFR 20.61).

Information collection requirements requested on Form PHS 398 and the instructions have been submitted by PHS to the Office of Management and Budget (OMB) and were approved and assigned OMB control number 0925-0001.

#### C. Legend

Unless disclosure is required by the Freedom of Information Act as amended (5 U.S.C. 552) as determined by the freedom of information officials of the Department of Health and Human Services or by a court, data contained in the portions of an application which have been specifically identified by page number, paragraph, etc., by the applicant as containing confidential information or other information that is exempt from public disclosure will not be used or disclosed except for evaluation purposes.

Dated: September 30, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-26681 Filed 11-2-92; 8:45 a.m.]

BILLING CODE 4150-01-F

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CA-060-01-4410-04-ADVB]

#### Meeting of the California Desert District Advisory Council

**SUMMARY:** Notice is hereby given, in accordance with Public Laws 92-463 and 94-579, that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet in formal session Friday, December 4, 1992, from 8:30 a.m. to 5 p.m. at the Needles City

Hall at 111 Bailey Avenue in Needles, California.

Agenda items for the meetings will include:

- Introduction of the new California Desert District Manager, Henri Bisson.
- Status review of wind energy issues in the Tehachapi area.
- Status report on the vehicle route designation update.
- Update on Southern California Area Governments (SCAG) open space planning effort.
- Report on the new national mining claim rental fee.
- Briefing and update on the California Desert Conservation Area Plan - Amendments including the motor vehicle access amendment.
- Report on Bighorn Sheep planning initiatives.

All formal meetings are open to the public. Time is allocated for public comments, and time also may be made available by the Council Chairman during the presentation of various agenda items.

On Thursday, December 3, from 7:30 to 5 p.m., Council members will participate in a field trip through the East Mojave National Scenic Area, with scheduled stops at Camp Rock Springs, the Hole-in-the-Wall Information Center, Mid-Hills Campground, Kelso Depot, and Kelso Sand Dunes. The tour will focus on the management programs for each area.

The public is welcome to participate in the field tour, but should plan on providing their own transportation and drinks, as well as lunch on Thursday. Anyone interested in participating should contact BLM at (714) 697-5215 for more information. The tour will assemble at the Travelers Inn Motel, 1195 3rd Street in Needles at 7:15 a.m.

Written comments may be filed in advance of the meeting with the California Desert District Advisory Council Chairman, Mr. David Fisher, c/o Bureau of Land Management, Public Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507-0714. Written comments are also accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

**FOR FURTHER INFORMATION AND MEETING CONFIRMATION:** Contact the Bureau of Land Management, California Desert District, Public Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507; (714) 697-5215.

Dated: October 27, 1992.

Jean Rivers,

Council District Manager, Acting.

[FR Doc. 92-26569 Filed 11-2-92; 8:45 am]

BILLING CODE 4310-40-M

[CO-050-4210-04]

#### Realty Action

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of intent to prepare a planning amendment to the Royal Gorge Management Framework Plan and notice of realty action COC-53620, exchange of public land for private land in Fremont County, Colorado.

**SUMMARY:** The following described public lands are to be considered for suitability for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

#### Sixth Principal Meridian, Colorado

T. 16 S., R. 69 W.,  
Sec. 28: E½SE¼

This is an isolated 80-acre parcel of land in Fremont County approximately 6 miles south of Victor, Colorado. The parcel has no legal public access.

In exchange for the above, or some part thereof, the United States would acquire the following described private land of equal value from Mr. Paul Hall:

#### Sixth Principal Meridian, Colorado

T. 16 S., R. 69 W.  
Sec. 27: NW¼NW¼  
Sec. 28: NE¼NE¼ except Dolly Mack No 1 and No 2 lode mining claims, survey #11908.

This parcel includes approximately 72.8 acres in Fremont County located on Phantom Canyon Road, which is a part of the Gold Belt Scenic Byway. The historic townsite of Wilbur is also included within the boundaries of this parcel.

The publication of this notice segregates the public lands described above from the public land laws including the mining laws, except the mineral leasing act and exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 for a period of 2 years.

**DATES:** Interested parties should submit comments prior to January 1, 1993.

**ADDRESSES:** Bureau of Land Management, Canon City District, P.O. Box 2200, Canon City, Colorado 81215-2200.

**FOR FURTHER INFORMATION CONTACT:** Jan Fackrell, Realty Tech at 3170 East Main St., Canon City, Colorado (719) 275-0631.



**SUPPLEMENTARY INFORMATION:** An environmental assessment of the proposed action described herein will be made to determine if the action is in the public's best interest and what reservations on the patent are needed. Comments submitted by the public will be addressed by the environmental assessment. Equalization of the value of the exchange parcels will be through acreage adjustment or private cash payment.

Dated: October 22, 1992.

Donnie R. Sparks,

District Monogor.

[FR Doc. 92-26589 Filed 11-2-92; 8:45 am]

BILLING CODE 4310-JB-M

## National Park Service

### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 24, 1992, pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by November 17, 1992.

Carol D. Shull,

Chief of Registration, National Register.

#### Arizona

##### Moricao County

Professional Building (Phoenix Commercial MRA), 137 N Central, Phoenix, 85003563

#### Arkansas

##### Arkansas County

Arkansas County Courthouse—Southern District, Courthouse Sq., DeWitt, 92001620

Arkansas County Courthouse—Northern District, Jct. of E. 3rd and S. College Sts., SW corner, Stuttgart, 92001621

##### Corroll County

Crawford, W.D., House E of Co. Rd. 27, about 1 mi. N of jct. with Co. Rd 98, Cisco vicinity, 92001613

##### Chicot County

Bunker House, AR 159 W of jct. with US 65/82, Lake Village, 92001622

##### Drew County

Grubbs, Champ, House, AR 172 W of New Hope, New Hope vicinity, 92001619

##### Faulkner County

First United Methodist Church, Jct. of Prince and Clifton Sts., NW corner, Conway, 92001623

#### Polk County

Polk County Courthouse, Jct. of Church Ave. and DeQueen St., NE corner, Mena, 92001518

#### Proirie County

DeVolls Bluff First Boptist Church, Jct. of Prairie and Mason Sts., SE Corner, DeValls Bluff, 92001616

#### Puloski County

North Little Rack High School, 101 W. 22nd St., North Little Rock, 92001625

#### Sebastion County

Fort Smith Masonic Temple, 200 N. 11th St., Fort Smith, 92001624

#### California

##### San Diego County

Howell House, 103 W. Eighth St., Excondido, 92001612

#### Florida

##### Volusio County

West Deland Residential District, Roughly bounded by University, Florida, New York and Orange Aves., DeLand 92001617

#### Minnesota

##### St. Louis County

Irving School, 101 N. 56th Ave. W., Duluth, 92001611

#### Mississippi

##### Calhoun County

West Mound, Address Restricted, Slate Springs vicinity, 92001626

#### New York

##### New York County

Mochigonne (ferry), Pier 25, New York 92001610

#### North Carolina

##### Macon County

Edwards Hotel, Jct. of Main and Fourth Sts., SE corner, Highlands, 92001614

##### Mecklenburg County

Commerciol Building at 500 North Tryan Street, 500 N. Tryon St., Charlotte, 92001615

#### North Dakota

##### Bornes County

All Saints' Episcopal Church (Episcopol Churches of North Dokoto MPS), 516 N. Central Ave., Valley City, 92001605

##### Coss County

St. Stephen's Episcopal Church (Episcopol Churches of North Dakoto MPS), Jct. of 3rd and 5th St., SE corner, Casselton 92001609

##### Foster County

Putnom, Thomos Nichols, House, 533 Main St., Carrington, 92001604

##### Pierce County

St. Poul's Episcopal Church (Episcopol Churches of North Dokata MPS), 404 DeSmet St., Rugby, 92001608

#### Richlond County

St. Albon's Episcopol Church (Episcopol Churches of North Dokoto MPS), Jct. of Hammond and Eastern Aves., SW corner, Lidgerwood, 92001607

#### Stutsmon County

Groce Episcopol Church (Episcopol Churches of North Dakoto MPS), Jct. of 2nd Ave. NE. and 4th St. NE., NW corner, Jamestown, 92001606

A proposed move is being considered for the following property:

#### Minnesota

##### Dokoto County

Minneapolis Northfield ond Southern Depot Co. Hwy. 5 at 155th St., Burnsville, 79001222

[FR Doc. 92-26616 Filed 11-2-92; 8:45 am]

BILLING CODE 4310-70-M

## DEPARTMENT OF JUSTICE

### Lodging of Consent Decree Pursuant to Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States v. Biggi, et. al*, Civ. No. 90-806 (D. Ore.), was lodged with the United States District Court for the District of Oregon on October 14, 1992.

The proposed consent decree concerns alleged violations of sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311, 1344, as a result of discharges of fill material onto portions of property located in Beaverton, Oregon, which are alleged to constitute "waters of the United States." The consent decree requires that the defendants comply with a plan that provides for wetlands mitigation, enhancement and restoration at five sites—totalling 7.63 acres—in the Beaverton area, as well as five years of monitoring to ensure the success of the work, and requires that they pay the additional sum of \$10,000 to the United States.

The Department of Justice will receive, until thirty (30) days from the date of this notice, written comments relating to the proposed Consent Decree. Comments should be addressed to the United States Department of Justice, Assistant Attorney General, Environment and Natural Resources Division, 10th Street and Pennsylvania Avenue, NW. 20530, to the attention of Lewis M. Barr, Attorney, Environmental Defense Section, and should refer to *United States v. Biggi, et al.*, Civ. No. 90-806 (D. Ore.) and DJ Reference No. 90-5-1-1-3443.



The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Oregon, 503 Gus J. Solomon United States Courthouse, 620 SW. Main Street, Portland, Oregon 97205 during regular business hours, or a copy may be requested from Lewis M. Barr (202) 514-4206.

Vicki A. O'Meara,

*Acting Assistant Attorney General,  
Environment and Natural Resources Division.*

[FR Doc. 92-26588 Filed 11-2-92; 8:45 am]

BILLING CODE 4410-01-M

### Lodging of Consent Decree Involving Claims Under the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Department policy, notice is hereby given that on October 5, 1992 a proposed Consent Decree in *United States v. Shell Oil Company*, Civil Action No. 83-C-2379, was lodged with the United States District Court for the District of Colorado. The Complaint in this case sought, pursuant to sections 104 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. 9604 & 9607, response costs and natural resource damages attributable to releases or threatened releases of hazardous substances at the Rocky Mountain Arsenal, located adjacent to Denver, Colorado.

The proposed Consent Decree incorporates the extra-judicial Settlement Agreement previously executed by the parties, with an effective date of February 17, 1989. That document established a binding process to ensure the payment of response costs and natural resource damages and the implementation of other financial arrangements essential to the cleanup process.

The Department of Justice will receive for a period of thirty (30) days from the date of entry of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States v. Shell Oil Company*, DOJ Ref. No. 90-11-2-73.

The proposed Consent Decree may be examined at the Joint Administrative Record Facility, Rocky Mountain Arsenal, 72nd and Quebec, Commerce City, CO 80022, (303) 289-0362, and at the Region VIII Office of the Environmental Protection Agency, 999

Eighteenth Street, Suite 500 South, Denver, CO 80202, and at the Environmental Enforcement Section Document Center, 1333 F Street, NW., Suite 600, Washington, DC. 20004, (202) 347-7829. Copies of the proposed Consent Decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of \$30.00 (\$.25 per page reproduction costs) payable to: "Consent Decree Library."

Vicki A. O'Meara,

*Acting Assistant Attorney General,  
Environment & Natural Resources Division.*

[FR Doc. 92-26587 Filed 11-2-92; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

#### Business Research Advisory Council; Meeting and Agenda

The regular Fall meeting of the Committee on Occupational Safety and Health of the Business Research Advisory Council will be held on November 19, 1992, at 1:30 p.m. The meeting will be in the Postal Square Building, 2 Massachusetts Avenue, NE., Washington, DC, Conference Room 2.

The Business Research Advisory Board and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The agenda for the meeting is:

1. Status report on the redesign of the occupational safety and health statistics program.
2. Status report on the Census of Fatal Occupational Injuries.
3. Other business.

The meeting is open to the public. Persons planning to attend the meeting as observers may obtain more information from Constance B. DiCesare, Liaison, Business Research Advisory Council, at (202) 606-5886.

Signed at Washington, DC, the 28th day of October 1992.

William G. Barron, Jr.,

*Deputy Commissioner.*

[FR Doc. 92-26582 Filed 11-2-92; 8:45 am]

BILLING CODE 4510-24-M

## Employment and Training Administration

### Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of October 1992.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

*TA-W-27,691; Die Mesh Corp., Mount Vernon, NY*

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

*TA-W-27,844; C.R. Bard, Inc., Bard Urological Div., Covington, GA*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA-W-27,569; Thomas & Betts Corp., Electronics Div., Iowa City, IA*

Increased imports did not contribute importantly to worker separations at the firm.

*TA-W-27,780; DDC Pertec, Tucson, AZ*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.



TA-W-27,536; GE Aerospace, General Electric System Div., Moorestown, NJ

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-27,684; Hughes Christiansan Co., Hustan, TX

U.S. imports of oil and gas field machinery were negligible in 1991 and in Jan.-July 1992.

TA-W-27,828; Old Hickory Clay Co., Hickory, KY

U.S. imports of clay were negligible.

TA-W-27,809; Western Production Co., Newcastle, WY

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-27,738; Downeast Mfg., Livermore Falls, ME

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

TA-W-27,688; Rabertshaw Controls Co., Graysan Div., El Paso, TX

The investigation revealed that criterion (1) and criterion (3) have not been met. Significant number or proportion of the workers did not become totally or partially separated as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Affirmative Determinations

TA-W-27,793; Komatsu Dresser Co., Libertyville, IL

A certification was issued covering all workers separated on or after August 5, 1991.

TA-W-27,742 & TA-W-27,742A; Timca Services, Inc., Lafayette, LA and Timca Tms, Inc., Lafayette, LA

A certification was issued covering all workers separated on or after August 17, 1991.

TA-W-27,690; Reltoc Manufacturing Co., Inc., Winfield, AL

A certification was issued covering all workers separated on or after August 12, 1991.

TA-W-27,702; Little Falls Footwear, St. Johnsville, NY

A certification was issued covering all workers separated on or after August 12, 1991.

TA-W-27,749; Otis Engineering Corp., Headquartered in Dallas, TX

A certification was issued covering all workers separated on or after August 25, 1991.

TA-W-27,750, TA-W-27,750A, TA-W-27,751; Otis Engineering Co., Anchorage, AK, Kenai, AK, Fort Smith, AR

A certification was issued covering all workers separated on or after August 25, 1991.

TA-W-27,752, TA-W-27,752A, TA-W-27,752B, TA-W-753, TA-W-754; Otis Engineering Co., Bakersfield, CA, Santa Fe Springs, CA, Ventura, CA, Denver, CO, Jay, FL

A certification was issued covering all workers separated on or after August 25, 1991.

TA-W-27,755, TA-W-27,756, TA-W-27,756A, TA-W-27,756B, TA-W-27,756C, TA-W-27,756D, TA-W-27,756E; Otis Engineering Co., Saint Elma, IL, Belle Chasse, LA, Bossier City, LA, Houma, LA, Lake Charles, LA, New Iberia, LA, New Orleans, LA

A certification was issued covering all workers separated on or after August 25, 1991.

TA-W-27,757, TA-W-27,758, TA-W-27,759, TA-W-27,759A; Otis Engineering, Kalaska, MI, Laurel, MS, Farmington, NM, Habbs, NM

A certification was issued covering all workers separated on or after August 25, 1991.

TA-W-27,760, TA-W-27,761, TA-W-27,761A, TA-W-27,761B, TA-W-27,761C, TA-W-27,761D, TA-W-27,761E; Otis Engineering, Willistan, ND, Elk City, OK, Enid, OK, Lindsay, OK, McAlester, OK, Oklahoma, City, OK, Tulsa, OK

A certification was issued covering all workers separated on or after August 25, 1991.

TA-W-27,762, TA-W-27,762A, TA-W-27,762B, TA-W-27,762C, TA-W-27,762D, TA-W-27,762E, TA-W-27,762F, TA-W-27,762G, TA-W-27,762H, TA-W-27,762I; Otis Engineering, Carrollton, TX, Falfurrias, TX, Friendswood, TX, Garland, TX, Houston, TX, Longview, TX, Odessa, TX, Palestine, TX, Rabstown, TX, Synder, TX

A certification was issued covering all workers separated on or after August 25, 1991.

TA-W-27,763, TA-W-27,764, TA-W-27,764A, TA-W-27,764B; Otis, Engineering, Vernal, UT, Casper, WY, Evanston, WY, Rack Springs, WY

A certification was issued covering all workers separated on or after August 25, 1991.

TA-W-27,605, Teleca Oilfield Services, Inc., Meriden, CT

A certification was issued covering all workers separated on or after August 17, 1991.

TA-W-27,693; Jayce Mfg., Sayre, PA

A certification was issued covering all workers separated on or after August 11, 1991.

TA-W-27,704; U.S. Shae Campanent Co., Vanceburg, KY

A certification was issued covering all workers separated on or after August 12, 1991.

TA-W-27,748; Sandra Sportswear, Inc., Weaver, AL

A certification was issued covering all workers separated on or after August 31, 1991.

TA-W-27,513; Kate Jung Designs, Syracuse, NY

A certification was issued covering all workers separated on or after July 2, 1991.

TA-W-27,873; Dayon Drilling, Inc. J.V., Anchorage, AK

A certification was issued covering all workers separated on or after September 21, 1991.

TA-W-27,564; Giddings & Lewis, Lima, OH

A certification was issued covering all workers separated on or after June 29, 1991.

TA-W-27,585; King Ranch Oil and Gas, Inc., Houston, TX

A certification was issued covering all workers separated on or after August 4, 1991.

TA-W-27,703; Philips Consumer Electronics Co., Greenville, TN

A certification was issued covering all workers separated on or after August 10, 1991.

TA-W-27,562, TA-W-27,562A; BP Exploriation (Alaska), Inc., Headquartered in Anchorage, AK & Operating at Various Other Locations in AK

A certification was issued covering all workers separated on or after July 21, 1991.

TA-W-27,546; Marathon Oil Co Exploriation & Production, Houston, TX

A certification was issued covering all workers separated on or after July 23, 1991.



**TA-W-27,593; Marathon Oil Co  
Exploration and Production, Cody,  
WY**

A certification was issued covering all workers separated on or after July 29, 1991.

**TA-W-27,767; Marathon Oil Co.  
Exploration and Production  
Findlay, OH,**

A certification was issued covering all workers separated on or after August 2, 1991.

**TA-W-27,765, TA-W-27,766, TA-W-  
27,767, TA-W-27,768; Marathon Oil  
Co. Exploration and Production,  
Midland, TX, Oklahoma City, OK,  
Ruston, LA**

A certification was issued covering all workers separated on or after August 2, 1991.

**TA-W-27,769; Marathon Oil Co.  
Exploration and Production,  
Bridgeport, IL**

A certification was issued covering all workers separated on or after November 6, 1991.

**TA-W-27,770, TA-W-27,771, TA-W-  
27,772, TA-W-27,773, TA-W-27,774;  
Marathon Oil Co. Exploration and  
Production, Lafayette, LA Lindsey,  
OK, Medicine Lodge, KS,  
Shreveport, LA, Anchorage, AK**

A certification was issued covering all workers separated on or after August 2, 1991.

**TA-W-27,811; Quintana Petroleum  
Corp., Lafayette, LA**

A certification was issued covering all workers separated on or after June 20, 1992.

**TA-W-27,517; Arkla Exploration Co.,  
Shreveport, LA**

A certification was issued covering all workers separated on or after July 14, 1991.

I hereby certify that the aforementioned determinations were issued during the month of October 1992. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: October 26, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-26617 Filed 11-2-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-27,725]

**Pride Refining, Inc., Abilene, TX;  
Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 31, 1992, in response to a petition which was filed on August 31, 1992, on behalf of workers at Pride Refining, Inc., Abilene, Texas.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 26th day of October, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 26618 Filed 11-2-92; 8:45 am]

BILLING CODE 4510-30-M

**NATIONAL ARCHIVES AND RECORDS  
ADMINISTRATION**

**Records Schedules; Availability and  
Request for Comments**

**AGENCY:** Office of Records Administration, National Archives and 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 USC 3303a(a).

**DATES:** Request for copies must be received in writing on or before December 18, 1992. 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.

**ADDRESSES:** 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 the 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. The 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 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:**

1. Department of Labor, Occupational Safety and Health Administration (N1-100-92-1). Reduction in retention period for general program correspondence files created in OSHA field offices.

2. Department of State, Office of Safety/Health and Environmental Management (N1-59-92-30). Facilitative records relating to safety and environmental issues.

3. Department of State, Bureau of Politico-Military Affairs (N1-59-92-36). Routing and facilitative records of the Office of Weapons Proliferation Policy.

4. Department of State, Bureau of Politico-Military Affairs (N1-59-92-39).



Routine and facilitative records of the Office of Strategic and Theater Policy.

5. Department of State, Bureau of Politico-Military Affairs (N1-59-92-40). Routine and facilitative records of the Assistant Secretary.

6. Department of Treasury, Bureau of Public Debt (N1-053-92-1). Reduction of retention period for Summary of Daily Transactions for Federal Securities.

7. Defense Investigative Service (N1-446-92-1). Hotline Referral files.

8. National Archives and Records Administration (N1-GRS-92-4). Revisions to General Records Schedule 2, Payroll and Pay Administration Records, to integrate electronic records.

9. White House Conference on Aging (N1-220-92-9). Comprehensive schedule.

Dated: October 27, 1992.

Claudine J. Weiher,

*Acting Archivist of the United States.*

[FR Doc. 92-26624 Filed 11-2-92; 8:45 am]

BILLING CODE 7515-01-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (92-72)]

### NASA Advisory Council; Space Science and Applications Advisory Committee; Microgravity Science and Applications Subcommittee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science and Applications Advisory Committee, Microgravity Science and Applications Subcommittee.

**DATES:** November 13, 1992, 8 a.m. to 5 p.m.

**ADDRESSES:** NASA Headquarters, 300 E Street, SW., Conference Room CH21, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Dr. Roger Crouch, Code SN, National Aeronautics and Space Administration, Washington, DC 20546, 202/358/0818.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- NASA Research Announcement Selections
- Committee on Microgravity Research of the Space Studies Board Report
- Future Assignments for Discipline Working Groups

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: October 27, 1992.

John W. Gaff,

*Advisory Committee Management Officer,  
National Aeronautics and Space Administration.*

[FR Doc. 92-26650 Filed 11-2-92; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL INSTITUTE FOR LITERACY

### Board Meeting

**AGENCY:** National Institute for Literacy.

**ACTION:** Notice of partially closed meeting.

**SUMMARY:** This Notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Institute for Literacy Board (Board). This notice also describes the function of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the open portions of the meeting.

Date: November 19, 1992.

Address: National Institute for Literacy, 800 Connecticut Avenue, NW., suite 200, Washington, DC 20006.

Date: November 19, 1992.

Address: Annapolis Marriott Waterfront, 80 Compromise Street, Annapolis, Maryland 21401.

**FOR FURTHER INFORMATION CONTACT:** Thomas R. Hill, Executive Officer, National Institute for Literacy, 800 Connecticut Avenue, NW., suite 200, Washington, DC 20006. Telephone (202) 632-1500.

**SUPPLEMENTARY INFORMATION:** The Board is established under Section 384 of the Adult Education Act, as amended by title I of Public Law 102-73, the National Literacy Act of 1991. The Board consists of ten individuals appointed by the President with the advice and consent of the Senate. The Board is established to advise and make recommendations to the Interagency Group, composed of the Secretaries of Education, Labor, and Health and Human Services, which administers the National Institute for Literacy (Institute). The Interagency Group considers the Board's recommendations in planning the goals of the Institute and in the implementation of any programs to achieve the goals of the Institute. Specifically, the Board performs the following functions: (a) Makes recommendations concerning the

appointment of the Director and the staff of the Institute; (b) provides independent advice on operation of the Institute; and (c) receives reports from the Interagency Group and the Director of the Institute.

In addition, the Institute consults with the Board on the award of fellowships.

The Board will meet in Washington, DC on November 19 and in Annapolis, MD on November 21, 1992. The Board will meet from 1:30 p.m. to 3:15 p.m. on November 19, 1992 in an informative session to be briefed on standards of conduct, legislative history of the National Institute for Literacy and rules governing the Board under the Federal Advisory Committee Act and the General Education Provisions Act.

On November 21, the Board will meet from 10:15 a.m. to 4:30 p.m. From 10:15 a.m. to 11:30 a.m., the Board will meet in open session to discuss the hiring needs of the Institute. In particular, the Board will look at the duties and the desired qualifications for the Director and other staff positions.

From 12:30 p.m. to 4:30 p.m., the Board will meet in closed session to discuss scopes of work options and associated costs for a proposed request for proposal (RFP). The discussions will focus on the expected costs of different scopes of work options. The scopes of work options must be presented in closed session because premature disclosure of costs associated with the proposed RFP might harm the economic interest of the Institute, and might frustrate implementation of a proposed agency action. Such matters are protected by exemption 9(b) of section 552b(c) of title 5 U.S.C.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Records are kept of all Board proceedings and are available for public inspection at the National Institute for Literacy, 800 Connecticut Avenue, NW., Suite 200, Washington, DC 20006 from 8:30 a.m. to 5 p.m.

Franmarie Kennedy-Keel,

*Interim Director, National Institute for Literacy.*

[FR Doc. 92-26593 Filed 11-2-92; 8:45 am]

BILLING CODE 6055-01-M



## NUCLEAR REGULATORY COMMISSION

### Georgia Power Co., et al.; Issuance of Environmental Assessment and Finding of No Significant Impact

[Docket Nos. 50-321 and 50-366]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-57 and NPF-5 issued to Georgia Power Company, *et al.* (the licensee), for operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch or the facility), located in Appling County, Georgia.

#### Environmental Assessment

##### Identification of Proposed Action

By letter dated September 18, 1992, as revised October 6 and 15, and supplemented October 8 and 23, 1992, the licensee proposed amendments that would revise Facility Operating License Nos. DRP-57 and NPF-5, currently held by Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the Owners), to allow Southern Nuclear Operating Company, Inc. (hereafter called Southern Nuclear), to become the operator of Hatch Units 1 and 2. Southern Nuclear would become the exclusive operating licensee, to possess, manage, use, operate, and maintain the facility. Georgia Power Company is the current operator of the facility. The proposed action would involve no change in ownership—the current Owners would remain on the licenses as licensed owners and would continue to own the assets of the facility in the same percentages as now. Southern Nuclear would have no entitlement to power output from Hatch or authority to dispatch, broker or market the energy generated.

As described in the application, Georgia Power Company and Southern Nuclear are wholly owned subsidiaries of the Southern Company. Georgia Power Company states that there would be no significant change in nuclear personnel or support organizations, and that the on-site organization responsible for operations of the Hatch facility would be transferred intact to Southern Nuclear.

The transfer of any right under the operating licenses is subject to NRC approval pursuant to 10 CFR 50.80(a). Such approval is proposed to be given through an Order approving this transfer.

##### Need for the Proposed Action

The proposed changes are needed to reflect the addition of Southern Nuclear as the licensed operator for Hatch. Southern Nuclear would have exclusive responsibility and control over the physical construction, operation and maintenance of the facility. Southern Company incorporated Southern Nuclear for the purpose of consolidating personnel within the Southern Electric System engaged in nuclear operations into a single, integrated organization to pursue a higher degree of performance in multiple-unit nuclear operations.

##### Environmental Impacts of the Proposed Action

The licensee anticipates that no changes in the on-site nuclear operating organization would result from the proposed license amendments, except that the on-site nuclear operating organization would become employees of Southern Nuclear and, where appropriate, titles would be changed to reflect the exclusive licensed operator status of Southern Nuclear. The off-site corporate organizations would continue to provide support and quality assurance for Hatch. The corporate support responsibility for the environmental program would be assigned to the Southern Nuclear Manager-Environmental Services. Southern Nuclear Environmental Services would be complemented with certain support services provided by Georgia Power Company. There would be no other changes to the facility or to the operating, maintenance, engineering, or other nuclear-related personnel which might affect the environmental program.

Accordingly, the Commission concludes that this proposed action would result in no radiological or nonradiological environmental impact.

##### Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendments. This would not reduce the environmental impact of plant operations and would result in the Facility Operating Licenses, Technical Specifications, and other documents not properly reflecting the organizational relationships between Georgia Power Company, Southern Nuclear and the Hatch facility.

##### Alternative Use of Resources

This action does not involve the use of resources not previously considered in the "Final Environmental Statement for the Edwin I. Hatch Nuclear Plant, Unit 1 and Unit 2," dated October 1972, and in the "Final Environmental Statement Related to Operation of Edwin I. Hatch Nuclear Plant, Unit No. 2," dated March 1978.

##### Agencies and Persons Consulted

The NRC staff has reviewed the licensee's request and did not consult other agencies or persons.

##### Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendments.

Based on the foregoing environmental assessment, we conclude that the proposed action will not have a significant adverse effect on the quality of the human environment.

For further details with respect to this action, see the application for amendments dated September 18, 1992, as revised October 6 and 15, 1992, and supplements dated October 8 and 23, 1992. Also see the NRC's "Summary Of September 28, 1992, Meeting Regarding License Amendment Applications For Hatch And Vogtle Plants," dated October 9, 1992. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513.

Dated at Rockville, Maryland, this 27th day of October 1992.

For the Nuclear Regulatory Commission,

David B. Matthews,

Director, Project Directorate II-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92-26628 Filed 10-2-92; 8:45 am]

BILLING CODE 7590-01-M

### Georgia Power Co. et al.; Issuance of Environmental Assessment and Finding of No Significant Impact

[Docket Nos. 50-424 and 50-425]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-63 and NPF-81 issued to Georgia Power Company (the licensee), for operation of the Vogtle Electric Generating Plant, Units 1 and 2 (Vogtle or the facility), located in Burke County, Georgia.



**Environmental Assessment***Identification of Proposed Action*

By letter dated September 18, 1992, as revised October 7 and 15, 1992, and supplemented October 7 and 23, 1992, Georgia Power Company proposed amendments that would revise Facility Operating License Nos. NPF-68 and NPF-81, currently held by Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the Owners), to allow Southern Nuclear Operating Company, Inc. (hereafter called Southern Nuclear), to become the operator of Vogtle Units 1 and 2. Southern Nuclear would become the exclusive operating licensee, to possess, manage, use, operate, and maintain the facility. Georgia Power Company is the current operator of the facility. The proposed action would involve no change in ownership—the current Owners would remain on the licenses as licensed owners and would continue to own the assets of the facility in the same percentages as now. Southern Nuclear would have no entitlement to power output from Vogtle or authority to dispatch, broker or market the energy generated.

As described in the application, Georgia Power Company and Southern Nuclear are wholly owned subsidiaries of the Southern Company. Georgia Power Company states that there would be no significant change in nuclear personnel or support organizations, and that the on-site organization responsible for operations of the Vogtle facility would be transferred intact to Southern Nuclear.

The transfer of any right under the operating licenses is subject to NRC approval pursuant to 10 CFR 50.80(a). Such approval is proposed to be given through an Order approving this transfer.

*Need for the Proposed Action*

The proposed changes are needed to reflect the addition of Southern Nuclear as the licensed operator for Vogtle. Southern Nuclear would have exclusive responsibility and control over the physical construction, operation and maintenance of the facility. Southern Company incorporated Southern Nuclear for the purpose of consolidating personnel within the Southern Electric System engaged in nuclear operations into a single, integrated organization to pursue a higher degree of performance in multiple-unit nuclear operations.

*Environmental Impacts of the Proposed Action*

The licensee anticipates that no changes in the on-site nuclear operating organization would result from the proposed license amendments, except that the on-site nuclear operating organization would become employees of Southern Nuclear and, where appropriate, titles would be changed to reflect the exclusive licensed operator status of Southern Nuclear. The offsite corporate organizations would continue to provide support and quality assurance for Vogtle. The corporate support responsibility for the environmental program would be assigned to the Southern Nuclear Manager—Environmental Services. Southern Nuclear Environmental Services would be complemented with certain support services provided by Georgia Power Company. There would be no other changes to the facility or to the operating, maintenance, engineering, other nuclear-related personnel which might affect the environmental program.

Accordingly, the Commission concludes that this proposed action would result in no radiological or nonradiological environmental impact.

*Alternative to the Proposed Action*

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendments. This would not reduce the environmental impact of plant operations and would result in the Facility Operating Licenses, Technical Specifications, and other documents not properly reflecting the organizational relationships between Georgia Power Company, Southern Nuclear and the Vogtle facility.

*Alternative Use of Resources*

This action does not involve the use of resources not previously considered in the "Final Environmental Statement Relating to Operation of Vogtle Electric Generating Plant, Units 1 and 2," dated March 1985.

*Agencies and Persons Consulted*

The NRC staff has reviewed the licensee's request and did not consult other agencies or persons.

*Finding of No Significant Impact*

The Commission has determined not to prepare an environmental impact statement for the proposed license amendments.

Based on the foregoing environmental assessment, we conclude that the proposed action will not have a significant adverse effect on the quality of the human environment.

For further details with respect to this action, see the application for amendments dated September 18, 1992, as revised October 7 and 15, 1992, and supplements dated October 7 and 23, 1992. Also see the NRC's "Summary Of September 28, 1992, Meeting Regarding License Amendment Applications for Hatch and Vogtle Plants," dated October 9, 1992. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Dated at Rockville, Maryland, this 27th day of October 1992.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Project Directorate II-3, Division of Reactor Projects—1/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92-26629 Filed 11-2-92; 8:45 am]

BILLING CODE 7590-01-M

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**Final Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission and the State of Alabama**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** This notice is to advise the public of the issuance of a Final Memorandum of Understanding (MOU) between the U.S. Nuclear Regulatory Commission (NRC) and the State of Alabama. The MOU provides the basis for mutually agreeable procedures whereby the State of Alabama may utilize the NRC Emergency Response Data System (ERDS) to receive data during an emergency at a commercial nuclear power plant in Alabama. Public comments were addressed in conjunction with the MOU with the State of Michigan published in the Federal Register Vol. 57, No. 28, February 11, 1992.

**EFFECTIVE DATE:** This MOU is effective August 26, 1992.

**ADDRESSES:** Copies of all NRC documents are available for public inspection and copying for a fee in the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** John R. Jolicoeur or Eric Weinstein, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear



Regulatory Commission, Washington, DC 20555. Telephone (301) 492-4155 or (301) 492-7836.

This attached MOU is intended to formalize and define the manner in which the NRC will cooperate with the State of Alabama to provide data related to plant conditions during emergencies at commercial nuclear power plants in Alabama.

Dated at Rockville, Maryland, this 22nd day of September, 1992.

For the Nuclear Regulatory Commission,  
James M. Taylor,  
*Executive Director for Operations.*

**Agreement Pertaining to the Emergency Response Data System Between the State of Alabama and the U.S. Nuclear Regulatory Commission**

*I. Authority*

The U.S. Nuclear Regulatory Commission (NRC) and the State of Alabama enter into this Agreement under the authority of Section 274i of the Atomic Energy Act of 1954, as amended.

Alabama recognizes the Federal Government, primarily the NRC, as having the exclusive authority and responsibility to regulate the radiological and national security aspects of the construction and operation of nuclear production or utilization facilities, except for certain authority over air emissions granted to States by the Clean Air Act, or other Acts of Congress.

*II. Background*

A. The Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, authorize the Nuclear Regulatory Commission (NRC) to license and regulate, among other activities, the manufacture, construction, and operation of utilization facilities (nuclear power plants) in order to assure common defense and security and to protect the public health and safety. Under these statutes, the NRC is the responsible agency regulating nuclear power plant safety.

B. NRC believes that its mission to protect the public health and safety can be served by a policy of cooperation with State governments and has formally adopted a policy statement on "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities" (54 FR 7530, February 22, 1989). The policy statement provides that NRC will consider State proposals to enter into instruments of cooperation for certain programs when these programs have provisions to ensure close cooperation with NRC. This agreement is intended to

be consistent with, and implement the provisions of the NRC's policy statement.

C. NRC fulfills its statutory mandate to regulate nuclear power plant safety by, among other things, responding to emergencies at licensee's facilities, monitoring the status and adequacy of the licensee's responses to emergency situations.

D. Alabama fulfills its statutory mandate to provide for preparedness, response, mitigation, and recovery in the event of an accident at a nuclear power plant through the Radiation Control Agency (The Alabama Department of Public Health's Division of Radiation Control) title 22 chapter 14 Code of Alabama, 1975, as Amended.

*III. Scope*

A. This Agreement defines the way in which NRC and Alabama will cooperate in planning and maintaining the capability to transfer reactor plant data via the Emergency Response Data System during emergencies at nuclear power plants, in the State of Alabama.

B. It is understood by the NRC and the State of Alabama that ERDS data will only be transmitted by a licensee during emergencies classified at the Alert level or above, during scheduled tests, or during exercises when available.

C. Nothing in this Agreement is intended to restrict or expand the statutory authority of NRC, the State of Alabama, or to affect or otherwise alter the terms of any agreement in effect under the authority of section 274b of the Atomic Energy Act of 1954, as amended: Nor is anything in this Agreement intended to restrict or expand the authority of the State of Alabama on matters not within the scope of this Agreement.

D. Nothing in this Agreement confers upon the State of Alabama authority to (1) interpret or modify NRC regulations and NRC requirements imposed on the licensee; (2) take enforcement actions; (3) issue confirmatory letters; (4) amend, modify, or revoke a license issued by NRC; or (5) direct or recommend nuclear power plant employees to take or not to take any action. Authority for all such actions is reserved exclusively to the NRC.

*IV. NRC's General Responsibilities*

Under this agreement, NRC is responsible for maintaining the Emergency Response Data System (ERDS). ERDS is a system designed to receive, store, and retransmit data from in-plant data systems at nuclear power plants during emergencies. The NRC will provide user access to ERDS data to one user terminal for the State of Alabama

during emergencies at nuclear power plants which have implemented an ERDS interface and for which any portion of the plant's 10 mile Emergency Planning Zone (EPZ) lies within the State of Alabama. The NRC agrees to provide unique software available to NRC (not commercially available) that was developed under NRC contract for configuring an ERDS workstation.

*V. Alabama's General Responsibilities*

A. Alabama will, in cooperation with the NRC, establish a capability to receive ERDS data. To this end, Alabama will provide the necessary computer hardware and commercially licensed software required for ERDS data transfer to users.

B. Alabama agrees not to use ERDS to access data from nuclear power plants for which a portion of the 10 mile Emergency planning Zone does not fall within its State boundary.

C. For the purpose of minimizing the impact on plant operators, clarification of ERDS data will be pursued through the utility provided technical liaison personnel or the NRC.

*VI. Implementation*

Alabama and the NRC agree to work in concert to assure that the following communications and information exchange protocol regarding the NRC ERDS are followed.

A. Alabama and the NRC agree in good faith to make available to each other information within the intent and scope of this Agreement.

B. NRC and Alabama agree to meet as necessary to exchange information on matters of common concern pertinent to this Agreement. Unless otherwise agreed, such meetings will be held in the NRC Operations Center. The affected utilities will be kept informed of pertinent information covered by this Agreement.

C. To preclude the premature public release of sensitive information, NRC and Alabama will protect sensitive information to the extent permitted by the Federal Freedom of Information Act, the State Freedom of Information Act, 10 CFR 2.790, and other applicable authority.

D. NRC will conduct periodic test of licensee ERDS data links. A copy of the test schedule will be provided to Alabama by the NRC. Alabama may test its ability to access ERDS data during these scheduled tests, or may schedule independent tests of the State link with the NRC.

E. NRC will provide access to ERDS for emergency exercises with reactor units capable of transmitting exercise



data to ERDS. For exercises in which the NRC is not participating, Alabama will coordinate with NRC in advance to ensure ERDS availability. NRC reserves the right to preempt ERDS use for any exercise in progress in the event of an actual event at any licensed nuclear power plant.

#### VII. Contacts

A. The principal senior management contacts for this Agreement will be the Director, Division of Operational Assessment, Office for Analysis and Evaluation of Operational Data, and the Director, Division of Radiation Control, Alabama Department of Public Health. These individuals may designate appropriate staff representatives for the purpose of administering this Agreement.

B. Identification of these contacts is not intended to restrict communication between NRC and Alabama staff members on technical and other day-to-day activities.

#### VIII. Resolution of Disagreements

A. If disagreements arise about matters within the scope of this Agreement, NRC and Alabama will work together to resolve these differences.

B. Resolution of differences between the State and NRC staff over issues arising out of this Agreement will be the initial responsibility of the NRC Division of Operational Assessment management.

C. Differences which cannot be resolved in accordance with sections VIII.A and VIII.B. will be reviewed and resolved by the Director, Office for Analysis and Evaluation of Operational Data.

D. The NRC's General Counsel has the final authority to provide legal interpretation of the Commission's regulations.

#### IX. Effective Date

This Agreement will take effect after it has been signed by both parties.

#### X. Duration

A formal review, not less than 1 year after the effective date, will be performed by the NRC to evaluate implementation of the Agreement and resolve any problems identified. This Agreement will be subject to periodic reviews and may be amended or modified upon written agreement by both parties, and may be terminated upon 30 days written notice by either party.

#### XI. Separability

If any provision(s) of the Agreement, or the application of any provision(s) to any person or circumstances is held invalid, the remainder of this Agreement and the application of such provisions to other persons or circumstances will not be affected.

For the U.S. Nuclear Regulatory Commission.

Dated: June 26, 1992.

James M. Taylor,

*Executive Director for Operations.*

For the State of Alabama

Dated: August 28, 1992.

Carole W. Samuelson,

*Interim State Health Officer.*

[FR Doc. 92-26627 Filed 11-2-92; 8:45 am]

BILLING CODE 7590-01-M

#### NUREG: Issuance, Availability

The Nuclear Regulatory Commission has issued "Residual Radioactive Contamination From Decommissioning: Volume 1, Technical Basis For Translating Contamination Levels to Annual Total Effective Dose Equivalent" (NUREG/CR-5512). This document was prepared for the NRC by Pacific Northwest Laboratory.

Upon completion, the entire report will consist of three volumes and one supplement. This first volume is designed to provide screening models, mathematical formulations for the screening models, and referenced parameter values for estimating doses, above natural background, to individuals from residual radioactivity associated with lands and structures after decommissioning licensed facilities. The modeling structure permits the use of either generic or site-specific parameters to be used as screening estimates of radiation doses from multiple environmental pathways.

Volume 2, will provide the user manual, software, and example applications for the implementation of Volume 1. Volume 3, will provide a sensitivity analysis and comparisons with other models and guidance such as Regulatory Guides 1.109 and 1.86. Supplement 1, will provide the selection and methodology to implement existing ground-water transport models in conjunction with this screening model for sites requiring more complex analysis of ground-water transport.

Copies of the document have been placed in the Commission's Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office

Box 37082, Washington, DC 20013-7082. Copies are also available from the National Technical Information Service, Springfield, Virginia 22161.

Written comments on the document are being solicited. Written comments should be addressed to Dr. Robert A. Meck, Radiation Protection and Health Effects Branch, Mail Stop NL/S-139, U.S. Nuclear Regulatory Commission Washington, DC 20555. Copies of the comments received may be examined at the NRC Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC. Comments will be most helpful if they are received by February 3, 1993.

For further information contact Dr. Robert A. Meck, Radiation Protection and Health Effects Branch, Mail Stop NL/S-139, U.S. Nuclear Regulatory Commission Washington, DC 20555, telephone (301) 492-3737.

Dated at Rockville, Maryland, this 27th day of October 1992.

For the Nuclear Regulatory Commission.

Frank A. Costanzi,

*Deputy Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research.*

[FR Doc. 92-26630 Filed 11-2-92; 8:45 am]

BILLING CODE 7590-01-M

#### PENSION BENEFIT GUARANTY CORPORATION

**Request for Extension of Approval Under the Paperwork Reduction Act; Payment of Premiums and Pension Benefit Guaranty Corporation Premium Payment Package Thereunder (Including PBGC Forms 1 and 1-ES and Schedule A to Form 1)**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of request for extension of OMB approval.

**SUMMARY:** This notice advises the public that the Pension Benefit Guaranty Corporation has requested extension of approval by the Office of Management and Budget for the collection of information in the PBGC's regulation on Payment of Premiums (29 CFR part 2610) and the PBGC Premium Payment Package thereunder (including PBGC Forms 1 and 1-ES and Schedule A to Form 1, with instructions). The collection of information has not been materially revised. Current approval of the collection of information (1212-0009) expires on June 30, 1993.

**ADDRESSES:** All written comments should be addressed to: Office of Management and Budget, Paperwork Reduction Project (1212-0009),



Washington, DC 20503, with a copy to the Office of the General Counsel (Code 22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006. The request for extension will be available for public inspection at the PBGC Communications and Public Affairs Department, suite 7100, 2020 K Street, NW., Washington, DC 20006, between 9 a.m. and 4 p.m. on business days.

**FOR FURTHER INFORMATION CONTACT:** Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, 202-778-8820 (202-778-8859 for TTY and TDD).

**SUPPLEMENTARY INFORMATION:** Sections 4006 and 4007 of title IV of the Employee Retirement Income Security Act of 1974 ("ERISA") require the Pension Benefit Guaranty Corporation ("PBGC") to collect premiums from pension plans covered under the title IV pension insurance programs that the PBGC administers. Pursuant to ERISA sections 4006 and 4007, the PBGC has issued its regulation on Payment of Premiums (29 CFR part 2610). Sections 2610.3, 2610.25, and 2610.34 of the premium regulation require the filing of forms prescribed by the PBGC in connection with the payment of premiums, and § 2610.11 requires the retention of records supporting or validating the computation of premiums paid. The forms prescribed are PBGC Form 1-ES and Form 1 and (for single-employer plans only) Schedule A to Form 1, which, together with instructions, comprise the PBGC Premium Payment Package. The premium forms are needed to determine the amount and record the payment of PBGC premiums, and the submission of forms and retention of records are needed to enable the PBGC to perform premium audits. The plan administrator of each pension plan covered by title IV of ERISA is required to file one or more of the premium payment forms each year. The PBGC uses the information on the premium payment forms to identify the plans paying premiums and to verify whether plans are paying the correct amounts. That information and the retained records are used for audit purposes.

The PBGC estimates the burden on the public from this collection of information as follows:

	Number of responses	Average time	Total hours
Form 1-ES filing (plans with 500 or more participants only):			
Single-employer plans.....	9,000	.5	4,500
Multiemployer plans.....	1,300	.5	650
	10,300		5,150
Form 1 with Schedule A (single-employer plans only):			
Plans with fewer than 500 participants:			
Fully-funded.....	54,000	1	54,000
Underfunded.....	15,000	1.7	25,500
	69,000		79,500
Plans with 500 or more participants:			
Fully-funded.....	7,000	1	7,000
Underfunded (2,000) <sup>1</sup> .....	1,500	4	6,000
	500	8.5	4,250
	9,000		17,250
Form 1 alone (multiemployer plans only):			
All multiemployer plans.....	2,200	.5	1,100

<sup>1</sup> Of the large underfunded plans, an estimated 75% will use the simpler Alternative Calculation Method and have not experienced a "significant event"; the remaining 25% will use the General Rule or the ACM with adjustment for a "significant event".

In summary, the PBGC estimates that it receives a total of about 90,500 responses annually (3,500 for multiemployer plans and 87,000 for single-employer plans) and that the total burden of the collection of information is about 103,000 hours. This reflects an average burden of 1 hour for large multiemployer plans; 30 minutes for small multiemployer plans; about 2 hours and 25 minutes for large single-employer plans; and about 1 hour and 10 minutes for small single-employer plans. (The estimated burden includes recordkeeping under 29 CFR 2610.11.)

Although, as noted above, current approval of this collection of information does not expire until June 30, 1993, the PBGC is seeking extension of approval now to avoid the need for a second printing of the 1993 Form 1-ES with a new approval expiration date during 1993.

Issued at Washington, DC, this 29th day of October 1992.

James B. Lockhart III,  
Executive Director, Pension Benefit Guaranty Corporation.

FR Doc. 92-26680 Filed 11-2-92; 8:45 am]

BILLING CODE 7708-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-31352; File No. SR-MBS-92-02]

### Self-Regulatory Organizations; MBS Clearing Corporation; Order Granting Partial Approval of a Proposed Rule Change Implementing Major System Enhancements

October 23, 1992.

On March 27, 1992, the MBS Clearing Corporation ("MBS") filed a proposed rule change (File No. SR-MBS-92-02) with the Securities and Exchange Commission ("Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").<sup>1</sup> Notice of the proposal was published in the Federal Register on August 28, 1992.<sup>2</sup> No comments were received. Subsequently, on September 23, 1992<sup>3</sup> and September 29, 1992<sup>4</sup> MBS amended the filing. As discussed below, the Commission is approving the first phase of the proposal.

#### I. Description of the Proposal

The proposed rule change concerns a number of major operational enhancements to MBS' data processing operations. MBS is proposing a new comparison and clearing system ("CCS") for processing eligible securities, a new netting and new comparison-only system, and a limited purpose participant category. MBS proposes to implement the new systems in phases.

In the first phase ("phase I"), MBS will implement CCS. CCS is MBS' proposed system for comparing trade input, margining, and comparing clearing information concerning transactions in eligible securities between participants.<sup>5</sup> Subsequent to the successful implementation of Phase I, MBS plans to implement other enhancements including a comparison-only participant category and changes to its trade netting

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1988).

<sup>2</sup> Securities Exchange Act Release No. 31058 (August 19, 1992), 57 FR 38897.

<sup>3</sup> Amendment No. 1 to SR-MBS-92-02 reinstates the concept of impending settlement date and impending expiration date that MBS currently uses in calculating a participant's Market Margin Differential ("MMD") deposit requirement. This concept was deleted in the proposal as originally submitted.

<sup>4</sup> Amendment No. 2 amends the proposal to state that MBS will implement the enhancements to its operating system in phases and announced the target date of October 23, 1992 as the implementation date for the first phase. In addition, the bulletin discusses MBS' fallback procedures. Administrative Bulletin from MBS to all MBS participants (September 29, 1992).

<sup>5</sup> See proposed amendment to MBS Art. I, Rule 1.



system and its procedures for liquidating the open commitments of a defaulting participant.<sup>6</sup>

#### 4. CCS

CCS will add a variety of enhancements to MBS' data processing operations. Some of the operational enhancements include: (1) A revised account structure; (2) revised procedures regarding "Broker Give-up Trades";<sup>7</sup> (3) revised reporting of settlement information; (4) multiple intra-day batch processing; and (5) revised trade input procedures. In addition, the proposal includes technical changes to various MBS rules and reports.

##### 1. Account Structure

The proposal eliminates the concept of separate account groups for trade-for-trade transactions, SBO-designated trades and option contracts. Dealer transactions and broker transactions will continue to be processed through separate accounts. Under the proposal, a participant will have the option of processing trade-for-trade transactions, SBO-designated trades, and option contracts through a single broker account or through a single dealer account. Participants, however, may elect to maintain more than one dealer account or more than one broker account. In addition, a participant that chooses to maintain more than one dealer account or more than one broker account may elect to have some or all of its dealer accounts or some or all of its broker accounts aggregated for purposes

of computing a single cash settlement obligation for the aggregated accounts.<sup>8</sup>

##### 2. Broker Give-up Trades

The proposal will change the current practice where the broker submits the trade data for a broker give-up trade on behalf of the dealers involved in the transaction by requiring all parties to the broker give-up trade (both the broker and each dealer to the trade) to submit trade input. Transactions involving a broker will be considered "fully compared" if the trade input submitted by the broker matches the trade input of the selling and purchasing dealers. A transaction will be considered "partially compared" if the trade input submitted by the broker matches the trade input by one or more, but not all, of the dealers to the transaction.<sup>9</sup> Any SBO-designated trade that remains partially compared on the netting date in the applicable settlement cycle will automatically be converted to a trade-for-trade transaction.

The proposal allows for a dealer to elect one of three match modes: An exact match mode, a net position match mode and a maximum match mode. In an exact match mode, the trade input of the dealer and the broker must match up in all respects, including the par amount. In a net position match mode, a transaction in which the trade input matches in all respects except for the par amount will be reported as matched if the par amount of the securities reported to have been sold or purchased by the dealer equals the aggregate par value for one or more transactions reported by the broker. In a maximum match mode, a transaction in which the trade input matches in all respects except for the par amount will be reported as matched if the par amount of securities reported to have been sold or purchased by the dealer does not exceed the aggregate par amount for one or more transactions reported by the broker. Under the maximum match mode, any difference in the par amount reported by the dealer and the broker will remain uncomparated. Regardless of the match mode selected by the dealer,

MBS will attempt to compare each transaction using the exact match mode first and will apply the other match modes only to the extent necessary to effect comparison.

Under the proposal, any transaction input submitted by a dealer which has compared with trade input submitted by a broker will be listed in the dealer's Purchase and Sale Report and Open Commitment Report, and the dealer will be responsible for the transaction. Any transaction in which the trade input submitted (or not submitted) by a dealer does not compare with the trade input submitted by a broker will be listed in the dealer's Unmatched Margin Report. Unless and until a dealer submits a DK (*i.e.*, don't know) of a transaction listed in the dealer's Unmatched Margin Report, the dealer will be responsible for any MMD debits arising from such transaction and, in the event of a liquidation, may be fully responsible for the transaction.<sup>10</sup>

Trades submitted by a broker that do not match with a trade submitted by a dealer will be reported on the broker's Transaction Summary Report. If neither dealer submits the transaction the trade is considered unmatched and will not be margined. If one dealer to the trade submits the broker give-up trade data and the other dealer does not, it will be considered a partial match and, until the dealer submits the transaction or a DK notice, the trade will be treated as a compared trade for margin purposes and will be settled on a trade-for-trade basis.

##### 3. Reporting of Settlement Information

The proposal will revise MBS rules to require both parties to an MBS cleared transaction (either through the trade-for-trade or the SBO netting systems) to report completion of delivery and payment as designated in the SBO Summary Report and in the Purchase and Sale Report.<sup>11</sup> For an SBO-designated trade, both the delivering participant and the receiving participant must submit a Notification of Settlement. In the case of a trade-for-trade transaction, the delivering participant and the receiving participant may submit either a Notification of Settlement or a cancellation of the transaction.<sup>12</sup> To the extent that the

<sup>6</sup> See *supra*, note 4. Currently, MBS rules require that in the event of a liquidation of a participant for which MBS has ceased to act, MBS will undertake to unwind those SBO trades that have not been settled and will establish them as trade-for-trade transactions for settlement between the parties. MBS is proposing to reduce its reliance on unwinding transactions and instead require SBO contra-side participants to liquidate the SBO trades. Among other things, the proposal would clarify that an SBO contra-side participant who follows MBS' liquidation procedures in good faith would not incur any liability to the original contra-side participants for unreasonable liquidation of the open commitment with the defaulting participant. Proposed MBS Art. III, Rule 3, 5. The Commission has not completed its consideration of these changes and, accordingly, is not approving (or disapproving) these changes today.

<sup>7</sup> The term "Broker Give-up Trade" means an SBO-designated trade, *i.e.*, a trade intended for netting through MBS' SBO netting system, or a trade-for-trade transaction, *i.e.*, a trade submitted to MBS for comparison in CCS in which the parties have agreed that their settlement obligations will remain on a trade-for-trade basis at the contract price, in which a broker acting on behalf of selling and purchasing dealers temporarily is identified in Purchase and Sale Reports and Open Commitment Reports initially by MBS as the original contra-side participant with respect to each dealer, with the dealers to be substituted on the broker give-up date (five days after the transaction). See MBS Art. I, Rule 1.

<sup>8</sup> The cash balance of an account is the net positive or negative amount resulting from the computation of SBO Market Differential obligations, cash adjustment obligations, commissions owed or earned, fees, fines and interest payable or receivable. MBS will net the positive or negative cash balance for each account to produce a single cash settlement obligation for that set of aggregated accounts. *Supra*, note 5.

<sup>9</sup> A broker that receives a buy or sell order from a dealer any match up that order with orders from one or more dealers on the contra-side of the transaction. Thus a partial comparison is created when some but not all of the dealers to the transaction submit trade input to MBS.

<sup>10</sup> MBS Art. II, Rule 4.

<sup>11</sup> MBS collects margin on all cleared transactions until it is reported as settled. Thus MBS will continue to margin a participant for a cleared transaction until both sides submit settlement information.

<sup>12</sup> In the case of a trade-for-trade transaction, the trade will be considered compared if one party to the trade submits a Notification of Settlement and the other party to the trade submits a cancellation notice.



information in a Notification of Settlement does not compare (or, in the case of trade-for-trade transaction, any uncomparing portion of the transaction has not been cancelled), the trade (or uncomparing or uncanceled portion thereof) will continue to be reflected on a participant's Open Commitment Report and will remain subject to MMD Deposit requirements.<sup>13</sup>

#### 4. Market Margin Differential Requirements

Another aspect of phase I involves changes in the way MBS calculates participant MMD requirements. A participant's MMD is designed to protect other participants against financial loss if the participant defaults and other participants must liquidate open or failed trades at unfavorable prices. (In effect, the value of the contractual rights and obligations are "marked-to-the-market" using current securities prices.) More than a year ago MBS determined to take a more conservative approach to calculating MMD requirements by reducing when BMS would allow a participant to reduce the required deposit because of profitable open or failed trades. The proposal implements that approach and refines the calculation to reduce the circumstances under which profitable positions can offset losses.

The proposal would revise the way MBS groups a participant's open commitments and failed trades for purposes of determining if a participant's open commitments and failed trades require original or additional MMD deposits. The proposal also would give a greater weight to whether settlement of a trade is over due and would disregard profits on that trade or commitment in computing a participant's required MMD deposit.

Under the current rules, MBS has two categories for determining a participant's MMD deposit requirement: "basic" and "exceptional." Under the basic category, the MMD for all trades in which the settlement date is two months or more beyond the current month ("future settling transactions") in each participant account is calculated by determining, with respect to each settlement class,<sup>14</sup> the net amount by

which the current market value of the participant's rights and obligations exceeds the original contract price ("profits and losses"), first by settlement class and then across settlement classes.<sup>15</sup> Exceptional transactions are trades which have an impending scheduled settlement date within the next future month<sup>16</sup> and trades for which the scheduled settlement date has passed ("expired settlement date").<sup>17</sup> Under the current rule, profits on exceptional trades can offset losses on exceptional trades if they have the same settlement month, although MBS rules also authorize MBS to disregard profits on trades that did not settle on their scheduled settlement date.<sup>18</sup>

The proposal creates four categories of trades for determining a participant's MMD deposit requirement: "forward," "impending," "failed" and "aged failed" transactions. The proposal would eliminate any offsets across these categories.

Forward transactions are trades in which the scheduled settlement date is subsequent to the current month.<sup>19</sup> Under the proposal, profits on a forward transaction would be netted against losses on another forward transaction by class and across classes.

Impending transactions are all trades that are scheduled to settle in the current month and have not yet reached their settlement date.<sup>20</sup> Under the proposal, profits on an impending transaction will be netted against losses on other impending transactions, first by settlement class and then across other impending transaction settlement classes.

Failed transactions are trades listed as open at MBS for which the scheduled

settlement date has passed during the current month.<sup>21</sup> Under the proposal, profit on a failed trade can offset a loss on another failed trade if both trades are within the same settlement class.

Aged failed transactions are trades listed as open transactions at MBS which should have settled before the current month.<sup>22</sup> Under the proposal, profit on an aged failed transaction cannot offset a loss on another aged failed transaction, even if both trades involve the same settlement class.

#### 5. Multiple Intra-day Batch Processing

Under the proposal, MBS will process trade input twice a day instead of once under the existing rules. The first processing pass will occur overnight and MBS will provide preliminary reports to participants at the opening of the next business day. Up to 10:30 a.m. (eastern time) the next morning, participants will have the opportunity to cancel trades that they may have reported in error and affirm or match unmatched transactions. In addition, participants will have the opportunity to submit DK notices of trades appearing on their Unmatched Margin Reports. After the 10:30 a.m. (eastern time) cut-off for inputting trade data, MBS will conduct a second processing pass and will produce and distribute final reports to participants.

#### 6. Trade Input and Reports

The proposal makes a number of other changes that will affect MBS' data processing operations. The proposal will eliminate the physical delivery of trade input. Instead, all trade input from participants must be submitted electronically by file transmissions or inputted over a computer terminal.<sup>23</sup>

The proposal eliminates the Uncomparing/Advisory List and creates a new Transaction Summary Report that will include transactions that have not compared. The proposal also eliminates the Audit Report and Broker Give-up Report. Instead, MBS will report to brokers and dealers their fully compared and partially compared transactions on the Purchase and Sale Report. The

<sup>15</sup> For example, on October 23, 1992 (which is after the scheduled October settlement dates for forward trades in mortgage-backed securities as established by the Public Securities Association), a future settling trade would be a trade scheduled to settle on or after December 1, 1992.

<sup>16</sup> For example, on October 23, 1992, a trade with an impending settlement date would be a trade scheduled to settle in the month of November.

<sup>17</sup> For example, on October 23, 1992, a trade with an expired settlement date would be a trade with a scheduled settlement date prior to November 1, 1992.

<sup>18</sup> Securities Exchange Act Release No. 28991 (March 20, 1991), 56 FR 12961. MBS, however, decided to delay implementation of this proposal until it implemented the enhancements to MBS' data processing operations that are part of this approval order.

<sup>19</sup> For example, on October 23, 1992, a forward settling trade would be a trade scheduled to settle on or after November 1, 1992.

<sup>20</sup> For example, on October 10, 1992, a trade scheduled for settlement on October 15, 1992, would be an "impending" transaction. If it remained unsettled after October 15, 1992, it would be considered a "failed" transaction, and if it remained unsettled after November 1, 1992, it would be considered an "aged failed" transaction.

<sup>21</sup> For example, on October 23, 1992, a trade scheduled for settlement on October 15, 1992, and still listed on MBS records would be considered a "failed" trade.

<sup>22</sup> For example, a trade that should have settled on September 15, 1992, that is still open on a participant's MBS accounts would be considered an "aged failed" trade.

<sup>23</sup> In response to participant comments, MBS has determined not to eliminate distribution of written reports to its participants. Telephone conversation between Lynn Douglas, Senior Vice President and Chief Operating Officer, MBS and Ester Saverson, Jr., Branch Chief, Division of Market Regulation, Commission (October 23, 1992).

<sup>13</sup> The term "Market Margin Differential Deposit" means the amount a participant is required to deposit to BMS' Participants Fund. *Supra*, note 7.

<sup>14</sup> A settlement class is a class of securities in which all of the securities in that class are the same product type, have the same coupon rate and maturity date, are issued by the same agency, and are scheduled to settle in the same month.



proposal amends MBS rules to establish agreement between the parties to a compared transaction that the Purchase and Sale Report will serve as the sole confirmation of, and evidences a binding and enforceable obligation of, the parties to the transaction.

Any transaction involving a broker which has not compared as to a particular dealer will be reflected in a new Unmatched Margin Report to be distributed to dealers. Until the dealer submits a DK of such transaction, the transaction will be subject to the same MMD Deposit requirements as if the transaction was an open commitment on the Dealer's Open Commitment Report.

### B. Phase-in Approach

MBS has decided to implement the enhancements to its data processing operations in phase. On October 23, 1992, MBS will implement CCS, which is the first phase in a broader enhancement of MBS' operations. MBS represented to the Commission that it has conducted a seven week pilot of Phase I involving all of its participants.

MBS also has developed a fallback plan. If the new system develops operational problems that will interrupt MBS' normal operations, MBS has the capability to convert trade data from the new system to the old system and process that data in the old system. MBS has made oral representation to the Commission staff that its fallback procedures have been successfully tested during the pilot period. In addition, MBS is implementing the new system on a Friday. Should the system experience processing problems on Friday, MBS will have the weekend to resolve the problem, including falling back to its old system without significant interruption to its business.

## II. Discussion

Section 17A of the Act directs the Commission to establish a safe and efficient national clearance and settlement system.<sup>24</sup> In enacting section 17A of the Act, Congress found that new data processing and communication techniques create the opportunity for more efficient, effective and safe procedures for clearance and settlement.<sup>25</sup> Specifically, sections 17A(b)(3)(A) and (F) of the Act require that a clearing agency be organized and its rules be designed to promote, among other things, the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds within its custody

or control for which it is responsible.<sup>26</sup> As discussed below, the Commission believes that MBS' proposal furthers these goals.

Currently only brokers submit broker give-up trades. Any comparison of trades between a broker and a dealer takes place outside of MBS. The enhancements will eliminate the need for brokers and dealers to compare transactions outside of MBS.

Under MBS' current account structure, participants must maintain separate accounts for trade-for-trade transactions, SBO-designated trades and option contracts. This requires participants to reconcile multiple accounts and settle the cash balance for each account separately, or to consolidate manually the cash balances for each account and produce a single cash settlement obligation for their accounts at MBS. The Commission believes that MBS' proposal to allow participants to consolidate their broker accounts and their dealer accounts and to aggregate account information, including cash balances, for those that maintain multiple broker or dealer accounts will provide participants greater flexibility to process securities in a more efficient, effective and safe manner.

The proposal also will eliminate the submission of written trade data to MBS and require participants to submit trade input by electronic file transmission or to enter it directly into a computer terminal linked to MBS. The proposal also will authorize MBS to process input data on a multiple intra-day batch basis. By improving automation in securities processing, the proposal will improve efficiency and reduce risks to market participants. Thus the proposal furthers the goal of perfecting the mechanics of a national system for prompt and accurate clearance and settlement of securities transactions and promotes the safeguarding of securities and funds within MBS' custody or control.

MBS believes that the extensive testing of its new system, the phase-in approach and the fallback procedures should minimize the potential for any interruption to the clearance and settlement of mortgage-back securities. The implementation date was chosen to avoid key processing dates. The date is after the last settlement date in October for forward settling trades and before the first settlement date in November for forward settling trades, November 9, 1992. Based upon MBS' representations to the Commission regarding its external testing of the functionality of the new

system and its integration into existing systems, the Commission believes that MBS has acted responsibly in designing and planning for the implementation of the new systems, but believes that the current processing system should not be disabled until MBS has sufficient time to assess the performance of the new system and to determine whether the new system can continue to process securities transactions at MBS in an efficient, effective and safe manner. Accordingly, MBS has agreed to maintain its current processing system at least until the end of 1992 and will not disable the old system without giving the Commission staff prior notice. In addition, MBS has represented that within six weeks after the conversion process, MBS will report to the Commission concerning the conversion process and will discuss any processing delays or other problems during the conversion process or the first four weeks thereafter.<sup>27</sup> Moreover, during the first week after the conversion, MBS agreed to brief the staff of the Division of Market Regulation ("Division") every day and notify the Division immediately in the event of processing problems.<sup>28</sup>

MBS believes that the proposed rule change is designed to comply with its obligation to have the capacity to promote prompt and accurate clearance and settlement of securities transactions. MBS has conducted capacity tests and, based on those tests, MBS represents that the new processing system's operating and computer capacity is at least 300% of peak capacity volume during MBS' anticipated hours of operation.<sup>29</sup> MBS will continue to conduct system capacity analysis, taking into account projected growth, new services and enhancements, and implement additional system upgrades as they are needed.

## III. Conclusion

For the reasons stated above, the Commission finds that MBS' proposed rule change is consistent with section 17A of the Act.

It is therefore ordered, pursuant to section (b)(2) of the Act, that the

<sup>27</sup> Letter from Lynn Douglas, Senior Vice President and Chief Operating Officer, MBS, to Ester Saverson, Jr., Branch Chief, Division of Market Regulation, Commission (October 16, 1992).

<sup>28</sup> Telephone conversation between Lynn Douglas, Senior Vice President and Chief Operating Officer, MBS and David Turner, Division of Market Regulation, Commission (October 23, 1992).

<sup>29</sup> Letter from Lynn Douglas, Senior Vice President and Chief Operating Officer, MBS, to David Turner, Computer Analyst, Office of Automation and International Markets, Division of Market Regulation, Commission (October 16, 1992).

<sup>24</sup> 15 U.S.C. 78q-1(a)(2).

<sup>25</sup> 15 U.S.C. 78q-1(a)(1)(C).

<sup>26</sup> 15 U.S.C. 78q-1(b)(3)(A) and (F).



proposed filing (SR-MBS-92-02) be, and hereby is, partially approved.<sup>30</sup>

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>31</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-26647 Filed 11-2-92; 8:45 am]

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[Release No. 34-31369; File No. SR-NASD-92-32]

**Self-Regulatory Organizations;  
National Association of Securities  
Dealers, Inc.; Order Granting Approval  
of Proposed Rule Change Relating to  
Pre-Filing of Advertisements  
Pertaining to Collateralized Mortgage  
Obligations**

October 23, 1992.

On July 15, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted a proposed rule change to the Securities and Exchange Commission ("SEC" or "Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder.<sup>2</sup> The proposal amends article I, section 35 of the NASD's Rules of Fair Practice<sup>3</sup> and section 8 of the NASD's Government Securities Rules<sup>4</sup> to require members to file advertisements concerning collateralized mortgage obligations ("CMOs") issued by a corporation or by an agency of the United States government with the Association prior to use. The requirement is temporary, lasting for a period of one year. Prior to the end of the first year the Association has represented that it will evaluate the efficacy of the rule and determine whether to extend the rule, propose alternative requirements or eliminate it.<sup>5</sup>

Notice of the proposed rule change, together with its terms of substance was provided by the issuance of a Commission release (Securities Exchange Act Release No. 31166, September 9, 1992) and by publication in the Federal Register (57 FR 42791, September 16, 1992).<sup>6</sup> The Commission

received one comment letter on the proposal.<sup>7</sup> This order approves the proposed rule change.

As the NASD stated in the original rule filing, the impetus for the rule change approved herein is the increasing popularity of CMOs as a substitute for the falling yields of other types of debt securities. The NASD believes that CMOs are extremely complex and require full and fair disclosure to assist the investor in understanding them. The NASD believes that the advertising employed by brokers and dealers promoting CMOs as investments has frequently been inaccurate or misleading. In light of these concerns, the NASD believes that CMO advertisements should be subject to pre-use filing to provide NASD staff an opportunity to comment on the fairness and reasonableness of such advertisements prior to sue and permit potentially misleading advertisements to be identified and withheld from publication. By requiring pre-use filing and review of CMO advertising, the NASD believes that investor protection will be enhanced by eliminating inaccurate and misleading advertising before it is used.

The NASD expects the current interest rate environment to continue to provide a strong incentive for brokers and dealers to promote CMOs through aggressive advertising programs. Given the speed with which the market for CMOs has developed and continues to develop, the NASD believes that swift implementation of the proposed rules is in the public interest to prevent further uncontrolled advertising of these products.

No. 1 was filed on September 1, 1992 and provided the results of the NASD member vote on the proposed rule change. Amendment No. 2 filed on September 2, 1992, amended the text of the rule change to codify the intention of the NASD that the rule be in effect for one year only. (Prior notice of these first two amendments was provided in the Notice of Proposed Rule Change.) Amendment No. 3 was filed with the Commission on October 5, 1992 and requests that the Commission find good cause to approve the rule change prior to the 30th day after notice thereof. The Commission has determined not to approve the rule filing on an accelerated basis because the NASD will not be able to provide notice to its members of the effectiveness of the rule change until November 16, 1992. By approving the filing today, the Commission has provided the NASD with sufficient time to give notice to its members. Amendment No. 4 to the proposal, filed on October 15, 1992, amends the language of the rule filing to delete the term "sales literature" from the proposed amendments and to specify that the proposed rule change will become effective on November 16, 1992. See *infra* for further discussion of Amendment No. 4.

<sup>7</sup> Letter from Donald P. Rappaport, Senior Vice President, Lehman Brothers, Inc. ("Lehman Brothers"), to Jonathan G. Katz, Secretary, SEC, dated October 6, 1992.

The rule change approved herein amends article III, section 35 of the NASD's Rules of Fair Practice to consolidate the former filing requirements with respect to registered investment companies and public direct participation programs set forth in subsections (c)(1) and (2), respectively, into new subsection (c)(1). The requirements regarding registered investment companies and public direct participation programs have not been changed.

The new requirement with respect to advertising for corporate COS is set forth in subsection (c)(2) of section 35. The new provision requires that all advertisements concerning corporate CMOs be filed with the Association's Advertising Department at least 10 days prior to first use unless the Department permits a shorter period in particular circumstances. The advertisement must be approved prior to use and, if changed or expressly disapproved by the Association, shall be withheld from publication or circulation until any changes specified by the Association have been made. In the event of disapproval by the Association, the advertisement must be refiled for, and have received, Association approval prior to publication or circulation. The new provision is similar to that previously adopted with respect to options advertisements contained in subsection (c)(1) to article III, section 35A to the Rules of Fair Practice.<sup>8</sup>

In addition, the rule change approved herein adds a new subsection 8(c)(1)(B) to the NASD's Government Securities Rules with respect to collateralized mortgage obligations issued by an agency of the United States government. A technical amendment deletes current subsection 8(c)(2)(B) which applied to the filing of advertisements concerning government securities during the first year of the operation of the Government Securities Rules which were adopted by the NASD in 1989.

At present, advertisements concerning government securities must be filed with the NASD within 10 days of first use or publication. Additionally, advertisements and sales literature concerning registered investment companies and direct participation programs must be filed within 10 days of first use. Advertising pertaining to options must be approved in advance of its use or publication. While the NASD believes that a pre-use filing

<sup>8</sup> Article III, section 35A was approved by the SEC in Securities Exchange Act Release No. 29682 (September 13, 1991); 56 FR 47973 (September 23, 1991).

<sup>30</sup> 15 U.S.C. 78s(b)(2) (1989).

<sup>31</sup> 17 CFR 200.30-3(a)(12) (1991).

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1989).

<sup>2</sup> 17 CFR 240.19b-4 (1992).

<sup>3</sup> NASD Securities Dealers Manual, Rules of Fair Practice, article III, section 35, Communications With the Public, CCH ¶ 2195.

<sup>4</sup> NASD Securities Dealers Manual, Government Securities Rules, section 8, Communications With the Public, CCH, ¶ 2428.

<sup>5</sup> Any changes, other than elimination of the rule, must be filed with the Commission pursuant to section 19(b) of the Act.

<sup>6</sup> The NASD filed four amendments to the proposed rule change approved herein. Amendment



requirement for CMO advertisements, similar to the requirement for options advertising, is appropriate, the NASD recognizes that the flexibility of member firm advertising programs is impaired. Accordingly, the amendment approved herein is effective on a temporary basis for one year only. During that year, the NASD states that its Fixed Income Committee will review the impact of the proposed rule and determine whether additional or alternative requirements should be put in place to ensure that CMO advertising is not misleading.

As stated above, the NASD submitted Amendment No. 4 to the proposed rule change in order to specify that the effective date of the rule filing will be November 16, 1992, and that the proposed rule change will remain in effect for one year from that date. In addition, Amendment No. 4 deletes the term "sales literature" from the proposed amendment to article III, section 35(c)(2) of the Rules of the Fair Practice and section 8(c)(1)(B) of the Government Securities Rules. The NASD states that the term was not intended to be included within the proposed rule change and was not contained in the rule language approved by the NASD membership in Notice to Members 92-36. Amendment No. 4, therefore, clarifies the original intent of the NASD that the proposed rule change require pre-filing of advertising for CMOs and not pre-filing of sales literature for CMOs.

The Commission received a comment letter from Lehman Brothers on the proposed rule change.<sup>9</sup> The comment letter sought clarification on two points of the proposed rule change. First, Lehman Brothers sought clarification that the intent of the proposed rule change was to subject new CMO advertisements to NASD review and to develop a basis format for CMO advertising that would be pre-approved. Second, Lehman Brothers sought to clarify that the pre-filing requirement was applicable only to advertising and not to sales literature as well. In a letter<sup>10</sup> responding to Lehman Brothers' concerns, the NASD stated that it expects to develop a format for CMO advertising that would be pre-approved. In other words, the NASD expects that advertisers for CMOs who follow set guidelines for each CMO advertisement will not have to pre-file with the NASD. Lehman Brothers' second concern, regarding the treatment of sales

literature has been addressed by the NASD in Amendment No. 4, which deletes the inadvertent references to pre-filing of sales literature.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, including the requirements of section 15A(b)(6) of the Act.<sup>11</sup> Section 15A(b)(6) requires, in part, that the rules of the NASD be designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. The Commission believes that CMOs are often complex in nature and that investors are due full and fair disclosure in understanding the terms of CMOs in which they invest. The rule change herein approved strengthens the NASD's regulatory framework for reviewing advertisements relating to CMOs and enhances the industry's ability to police such communications, thereby aiding in the protection of investors.

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.<sup>12</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-26642 Filed 11-2-92; 8:45 am]

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[Release No. 34-31360; File No. SR-NASD-92-14]

**Self-Regulatory Organizations; Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Use of Negative Response Letters in Certain Bulk Exchanges of Money Market Funds**

October 27, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 10, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as amended,<sup>1</sup>

<sup>11</sup> 15 U.S.C. 78c-3(b)(6) (1988).

<sup>12</sup> 17 CFR 200.30-3(a)(12) (1992).

<sup>1</sup> This filing was originally submitted on April 30, 1992. The NASD filed an amendment ("Amendment No. 2") to the proposed rule change on September 10, 1992. Amendment No. 2 completely replaces the original rule filing. On August 5, 1992, the NASD filed Amendment No. 1 with the Commission. Amendment No. 1 reports the results of a member vote on the proposed rule change, which was published for member vote in NASD Notice to

and as described in Items I, II, and III below, which Items have been prepared by the NASD. 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**

Below is the text of the proposed rule change to article III, section 15 of the NASD Rules of Fair Practice. Proposed new language is italicized.

**Rules of Fair Practice**

**Article III**

**Sec. 15**

\* \* \* \* \*

**Exceptions**

(d)(1) This section shall not apply to discretion as to the price at which or the time when an order given by a customer for the purchase or sale of a definite amount of a specified security shall be executed.

*(2) This section shall not apply to bulk exchanges at net asset value of money market mutual funds ("funds") utilizing negative response letters provided:*

*(i) The bulk exchange is limited to situations involving mergers and acquisitions of funds, changes of clearing members and exchanges of funds used in sweep accounts;*

*(ii) The negative response letter contains a tabular comparison of the nature and amount of the fees charged by each fund;*

*(iii) The negative response letter contains a comparative description of the investment objectives of each fund and a prospectus of the fund to be purchased; and*

*(iv) The negative response feature will not be activated until at least 30 days after the date on which the letter was mailed.*

**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 NASD 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

Members 92-25 (May 1992). The results of the member vote are as follows: 1890 voting in favor, 133 opposed, and 19 not voting, out of 2042 ballots received.

<sup>9</sup> See *supra* note 7.

<sup>10</sup> Letter from T. Grant Callery, Vice President and Deputy General Counsel, NASD to Selwyn Notelovitz, Branch Chief, Over-the-Counter Regulation, SEC, dated October 21, 1992.



NASD 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*

Article III, section 15 of the NASD Rules of Fair Practice requires written authority from a customer before a member or a registered representative can exercise discretion in the customer's account. In Notice to Members 91-39 (June 1991), the NASD reminded members that the use of negative response letters, which permit the automatic execution of a recommendation in such letters to exchange mutual funds if a customer does not respond to the letter by a specific date, would violate the provisions of article III, section 15. Following the distribution of Notice to Members 91-39, the NASD received requests from members to consider amending article III, section 15 to exempt the use of negative response letters in connection with the bulk exchange of money market mutual funds in certain situations. The first situation involves the use of a negative response letter to effect the bulk exchange of money market mutual funds resulting from the merger or acquisition of a currently used money market fund. The second situation involves the use of a negative response letter to effect the bulk exchange of money market mutual funds necessitated by the member's change of its respective clearing member and the money market mutual fund which such clearing member utilizes. The third situation involves the use of negative response letter to effect the bulk exchange of money market mutual funds to enable a member to utilize a different fund from that which is being used currently as the investment vehicle for a sweep account. In such customer accounts, when securities transactions result in credit balances, the balances are automatically invested in money market funds for the benefit of the customer.

Upon review, the NASD has determined that the use of negative response letters in connection with the above described situations should be exempted from provisions of article III, section 15 because investment performance is not the primary reason for the fund exchange, and alternative administrative procedures can be extraordinarily burdensome. The NASD believes that the above-described

situations for which it is proposing to provide an exemption are not usually related to the enhancement of the account's financial performance. Abuses of discretion and overreaching, which article III, section 15 addresses, are therefore unlikely to occur in the three above-described bulk fund exchanges. The NASD also recognizes that it is often necessary to notify hundreds and, sometimes, several thousand money market mutual fund shareowners of an impending money market fund exchange. It may be an extremely difficult, if not impossible, administrative task to contact each of the customers who have failed to respond, and to solicit their approval of the fund exchange. At best, such an individual contact and approval process results in considerable time delays and added cost in effecting the fund exchange. The NASD believes that eliminating an obstacle to the efficient and timely execution of such bulk exchanges, where there is little or no risk to customers, will benefit customers and members alike.

The NASD proposes, therefore, to amend article III, section 15 to create an exemption for the use of negative response letters in connection with the bulk exchanges of money market mutual funds provided the bulk exchanges are effected at net asset value<sup>2</sup> and are limited to mergers and acquisitions of funds, a change of clearing members, or an exchange of funds used in sweep accounts.

The NASD believes, however, that additional disclosure and timing requirements are appropriate in connection with the proposed exemptions to article III, section 15 for the protection of investors since such exchanges involve the redemption of one security and the purchase of another. The NASD, therefore, further proposes that, in connection with the proposed exemptive uses of negative response letters: (1) The negative response letter include a tabular comparison of the nature and amount of fees charged by each fund; (ii) the negative response letter include a comparative description of the investment objective of each fund; (iii) a

<sup>2</sup> The requirement that the bulk exchange be effected at net asset value was not included in Notice to Members 92-25 (May 1992), but the NASD believes this requirement is a clarification that represents the current business practice in the exchange of money market mutual funds as understood by the NASD membership when voting on the proposed rule change described in Notice to Members 92-25.

prospectus of the fund to be purchased accompany the negative response letter; and, (iv) the negative response feature not be activated until at least 30 days after the date on which the letter was mailed.

The NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act. Section 15A(b)(6) of the Act requires, *inter alia*, that the rules of a national securities association be designed to "promote just and equitable principles of trade, to foster cooperation and coordination with person engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest." Specifically, the NASD believes that the proposed exemption for the use of negative response letters in connection with certain bulk exchanges of money market mutual funds is consistent with the provisions of section 15A(b)(6) because it will eliminate an obstacle to the timely and efficient execution of such bulk exchanges where there is little or no risk to customers, and therefore, will benefit customers and members alike.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

The proposed rule change was published for comment in Notice to Members 91-80 (December 1991). Eleven comments were received in response thereto. Of the eleven comment letters received, ten were in favor of the proposed rule change and one expressed neither support nor opposition. Eight of the commenters suggested various changes to the proposed amendments as follows:

One commenter believes that the requirement in the proposed rule change for a tabular comparison of the fees charged by each fund would produce inexact figures that would be difficult to obtain. This commenter suggests that: (1) The proposed tabular comparison of



fees be replaced by a comparison of the yields of the two funds involved in the bulk exchange for the most recent practical date, computed in the manner provided in Item 22 of Form N-1A adopted pursuant to the Investment Company Act of 1940; and (ii) if desired by a member (and assuming that customers will have previously received a prospectus of the exiting fund and the negative consent will be accompanied by a prospectus of the new fund) the inclusion of an historical performance for each of the funds for comparable time periods as reported by a generally recognized mutual fund reporting service. The commenter's rationale is that comparative information on yields would reflect all charges and expenses. The NASD believes that comparative yield figures do not provide an adequate disclosure of fees. The NASD further notes that a tabular comparison reflecting the various fees disclosed in the front pages of every money market fund prospectus are exact and easily obtainable by the NASD member.

Three commenters questioned the application of the proposed rule change to mergers and acquisitions since such transactions are ordinarily subject, under applicable state law, to a vote of shareholders. One commenter suggested that it should be made clear that negative response letters may be used not only in situations involving mergers and acquisitions of funds (in which case, the commenter noted, such letters would generally be redundant because shareholders must be contacted for voting purposes) but also in situations where the ability to use a negative response letter would obviate the need for a merger or acquisition. One commenter inquired whether the proposed rule change would allow the funds of one money market fund to be combined with another money market fund via negative response letters provided that if there were any positive responses to the negative response letters that refused the transfer, then the fund distributors would provide for a shareholder meeting to liquidate the fund in question. In response to the above two commenters, the NASD believes that it is appropriate that the proposed rule be limited to mergers and acquisitions and not be expanded to other similar combinations that, unlike mergers and acquisitions, may not be regulated by applicable state and federal laws that may impose shareholder protection requirements. One commenter suggested that the proposed rule change might cause members to believe that a merger or an

acquisition could be accomplished by using negative response letters rather than a shareholder vote. In response to this comment, the NASD believes the proposed rule change is clear that it applies to a broker-dealer and not to the obligations of the mutual fund to comply with applicable state and federal laws that may require a shareholder vote to accomplish the merger or acquisition. Once those laws are complied with an investor approval is obtained, a broker-dealer may use a negative response letter to accomplish the move of the mutual fund accounts that do not involve an investment decision. Therefore, the NASD believes that additional clarification is unnecessary.

One commenter suggests that a negative response letter should be permitted when a non-sweep money market fund account is changed to a sweep account. The NASD believes that such a fund exchange requires the authorization of the customer.

Two commenters suggested that the proposed rule change be expanded to include, within the definition of bulk exchanges, changes in investment advisers and changes in accounts where a member or its affiliates provide sub-transfer agent or other support services. The NASD does not believe that such an expansion of the proposed rule change is appropriate.

One commenter suggested that any legitimate exchange of a money market fund should permit the use of a negative response letter. The NASD believes that any discretionary activity by a member or a registered representative in a customer's account would normally require a customer's written authorization. The narrow exemption provided by the proposed rule change in certain limited situations involving bulk transfers of money market funds is the maximum relief from the rule that the NASD is prepared to recommend.

One commenter recommended that exchanges required by administrative or judicial order not be subject to the 30-day delay in execution after a negative response letter is mailed. The NASD believes that the nature of such an order will determine whether the 30-day requirement can be applied. Each such case, of which there will probably be few, will be considered on its merits, and there is no necessity to amend the proposed rule change.

One commenter suggested broadening the term "sweep account" to include those accounts where each "sweep" must be authorized by an employee of the member firm. Upon review, the

NASD believes that where the customer has previously authorized credit balances to be swept periodically into a money market fund, the procedures adopted by a member to authorize each "sweep" would not cause such a sweep account to lose its "sweep" status. Therefore, the NASD believes further clarification to the proposed rule change on this issue is not necessary.

### 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 (i) 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 (ii) 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, 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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by November 24, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.20-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

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[Release No. 34-31358; International Series Release No. 479; File No. SR-NYSE-91-45]

**Self-Regulatory Organizations; The New York Stock Exchange; Order Approving Proposed Rule Change Relating to the Adoption of Rule 410B Concerning Reporting to the Exchange of Transactions Effected in Exchange-Listed Securities**

October 26, 1992.

**I. Introduction**

On December 17, 1991, the New York Stock Exchange ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to adopt NYSE Rule 410B, which will require Exchange members and member organizations ("members") to report to the Exchange transactions effected for their accounts or the accounts of their customers in Exchange-listed securities that are not otherwise reported to the Consolidated Tape.<sup>3</sup>

Notice of the proposal appeared in the Federal Register on January 13, 1992.<sup>4</sup> The Commission received seven comment letters regarding the proposed rule change.<sup>5</sup> This order approves the proposal.

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1988).

<sup>2</sup> 17 CFR 240.19b-4 (1992).

<sup>3</sup> The Consolidated Tape, operated by the Consolidated Tape Association ("CTA"), compiles current last sale reports in certain listed securities from all exchanges and market makers trading such securities and disseminates these reports to vendors on a consolidated basis. The CTA is comprised of the New York, American, Boston, Cincinnati, Midwest, Pacific, and Philadelphia Stock Exchanges, as well as the Chicago Board Options Exchange and the National Association of Securities Dealers, Inc. ("NASD").

<sup>4</sup> See Securities Exchange Act Release No. 30155 (January 6, 1992), 57 FR 1294.

<sup>5</sup> See letters to Jonathan G. Katz, Secretary, SEC, from: Anson M. Beard, Jr., Managing Director, Morgan Stanley & Co. ("Morgan Stanley letter"), dated January 30, 1992; Leonard P. Petrillo, et al., Vice-President, General Counsel and Corporate Secretary, the Toronto Stock Exchange, on behalf of the Toronto, Montreal, and Vancouver Stock Exchanges (collectively, the "Canadian Exchanges"), dated February 10, 1992; Stephen D. Hickman, Secretary, NASD, dated February 21, 1992 ("February 21 letter"); Allen B. Holeman, Chairman, Self-Regulation and Supervisory Practices Committee, and Robert I. Kleinberg, President, Compliance and Legal Division, Securities Industry Association ("SIA"), dated March 10, 1992 ("SIA letter"); Stephen D. Hickman, Secretary, NASD, dated March 10, 1992 ("March 10 letter"); Robert E. Aber, Vice-President and Deputy General Counsel, NASD, dated May 15, 1992 ("May 15 letter"); and Leonard P. Petrillo, Vice-President, General Counsel and Corporate Secretary, the Toronto Stock Exchange, dated May 19, 1992 ("May 19 letter"). See *infra* for a discussion of the specific comments.

**II. Description of Proposal**

The NYSE believes that all transactions in NYSE-listed stocks that are not reported to the Consolidated Tape should be reported to the Exchange in order to provide an accurate record of overall trading activity in NYSE-listed stocks. Consequently, the Exchange is adopting NYSE Rule 410B, which will require NYSE members to report to the Exchange transactions effected for their accounts or the accounts of their customers in Exchange-listed stocks that are not otherwise reported to the Consolidated Tape.

NYSE Rule 410B will require Exchange members to report the following information to the NYSE:

- (1) The time and date of the transaction;
- (2) The stock symbol of the listed security;
- (3) The number of shares;
- (4) The price of the transaction;<sup>6</sup>
- (5) The marketplace where the transaction was executed;<sup>7</sup>
- (6) An indication whether the transaction was a buy (B), sell (S), or cross (C);<sup>8</sup>
- (7) An indication whether the transaction was executed for the member or its customer as principal or agent; and
- (8) The name of the contra-side broker-dealer to the trade.<sup>9</sup>

In addition, NYSE Rule 410B contains several exceptions. For purposes of Rule 410B, NYSE members will not have to report the following types of transactions:

- (1) Program trading information that is otherwise reported to the Exchange;<sup>10</sup>
- (2) Odd-lot transactions;<sup>11</sup>
- (3) Transactions which are part of a primary distribution by an issuer or of a registered secondary distribution (other than "shelf distributions") or an

<sup>6</sup> The price reported must exclude any commissions, mark-up mark-down or service charge. See NYSE Rule 410B(a).

<sup>7</sup> Both the country and marketplace of execution must be designated, for example, "OTC-USA," "United Kingdom Exchange," or "Japan OTC." See NYSE Rule 410B(f).

<sup>8</sup> Transactions involving two NYSE members must be reported by the seller. See NYSE Rule 410B(a).

<sup>9</sup> Where there is no contra-side broker-dealer to the trade, for purposes of Rule 410B(b)(8), "none" should be reported. See NYSE Rule 410B, Supplementary Material .10.

<sup>10</sup> The Exchange regularly obtains program trading information from its members pursuant to NYSE Rule 416.

<sup>11</sup> An odd-lot order is an order for less than a security's normal unit of trading (e.g., less than 100 shares for an equity order). See NYSE Rule 55.

unregistered secondary distribution effected off the floor of an exchange;<sup>12</sup>

(4) Transactions made in reliance on section 4(2) of the Securities Act of 1933;<sup>13</sup>

(5) Transactions where the buyer and seller have agreed to trade at a price substantially unrelated to the current market for the security, (e.g., to enable the seller to make a gift);

(6) The acquisition of securities by a member as principal in anticipation of making an immediate exchange distribution or exchange offering on an exchange;

(7) Purchases of securities off the floor of an exchange pursuant to a tender offer.

The information required to be reported by Rule 410B must be submitted by the close of the next business day via electronic systems designated by the Exchange.<sup>14</sup>

Currently, transactions in NYSE-listed stocks that are effected: (1) On the Exchange; (2) on another U.S. securities exchange; or (3) in the U.S. over-the-counter ("OTC") market during the hours of operation of the Consolidated Tape are reported to a self-regulatory organization ("SRO") for dissemination to the Consolidated Tape either immediately or within a short time frame (e.g., 90 seconds) after the transaction.<sup>15</sup> Transactions that are effected at other times or places are not reported to the Consolidated Tape, and, with the exception of program trading information,<sup>16</sup> are not reported to the Exchange. For example, transactions in NYSE-listed stocks executed overseas or after-hours in the OTC market are not reported to the Consolidated Tape or the Exchange.

The Exchange believes that the information it will receive as a result of this new reporting requirement will augment and enhance its ability to

<sup>12</sup> See letter from Brian M. McNamara, Managing Director, Market Surveillance, NYSE, to Edith Hallahan, Attorney, Division of Market Regulation, SEC, dated July 8, 1992, correcting the word "self" to read "shelf."

<sup>13</sup> Section 4(2) exempts transactions by an issuer not involving any public offering from the prohibitions contained in Section 5 of the Securities Act of 1933. 15 U.S.C. 77d(2) (1988).

<sup>14</sup> See note 38, *infra*. Rule 410B information will be submitted directly to the Securities Industry Automation Corporation ("SIAC"). A member can elect to transmit the data either through its existing communications lines or through a software program which will be installed on the existing computer systems of NYSE member organizations by the Exchange and SIAC. See letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Jonathan G. Katz, Secretary, SEC, dated June 15, 1992. See also NYSE Rule 410B(b) and (c).

<sup>15</sup> The hours of the Consolidated Tape are 9:30 a.m. to 5:15 p.m. (ET) each U.S. business day.

<sup>16</sup> See *supra*, note 10.



surveil for and investigate, among other matters, insider trading, frontrunning, and manipulative activities, such as marking the close on the NYSE prior to effecting trades in another market. In addition, the Exchange believes that the information it will obtain through this new requirement should provide a clearer picture than currently exists as to the extent of off-hours trading in NYSE-listed stocks. Moreover, the Exchange states that new Rule 410B will facilitate the Exchange's planning of appropriate initiatives to meet the needs of its members in this area.

In its filing, the Exchange states that the information it will receive as a result of the new requirements of Rule 410B will be used only for regulatory purposes. Therefore, the Exchange will retain any information it receives and will not disclose specific transactions publicly. The Exchange may, however, determine the disseminate aggregate data as to the extent of off-hours trading in NYSE stocks.<sup>17</sup>

The NYSE submitted, along with its proposal, a copy of an Information Memorandum that would be sent out to members and member organizations describing Rule 410B and its scope. The Information Memorandum sets forth the following examples of the operation of Rule 410B, including situations where a transaction is negotiated in the U.S. and executed abroad by the NYSE member firm's foreign affiliate,<sup>18</sup> and

<sup>17</sup> The Exchange also stated that Rule 410B information will be available to Intermarket Surveillance Group ("ISG") participants through the Exchange's Intermarket Surveillance Information System ("ISIS"). See letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Jonathan G. Katz, Secretary, SEC, dated April 22, 1992.

<sup>18</sup> See NYSE Information Memorandum, filed on October 26, 1992, as part of the proposed rule change.

The question of whether a particular transaction negotiated in the U.S. but nominally executed abroad by a foreign affiliate is a domestic trade for U.S. regulatory purposes has been addressed in prior Commission releases. For example, in the Commission's order concerning Wunsch Auction Systems, Inc. ("WASI"), the Commission stated its belief that "trades negotiated in the U.S. on a U.S. exchange are domestic, not foreign trades. The fact that the trade may be time-stamped in London . . . does not in our view affect the obligation . . . to maintain a complete record of such trades and report them as U.S. trades to U.S. regulatory and self-regulatory authorities and, where applicable, to U.S. reporting systems." See Securities Exchange Act Release No. 28899 (February 20, 1991), 56 FR 8377. See also, Securities Exchange Act Release Nos. 29238 (May 28, 1991), 56 FR 25056, 29854 (October 24, 1991), 56 FR 55963, 30920 (July 14, 1992), 57 FR 32587.

In this regard, the Commission anticipates that the reporting of foreign trades in U.S. stocks will be explored in its Market 2000 Study. See U.S. Equity Market Structure Study, Securities Exchange Act Release No. 30920 (July 14, 1992), 57 FR 32587.

transactions effected for the account of such an affiliate or for the account of a customer of such an affiliate.

1. Assume that ABC, Broker-Dealer, Inc. ("ABC"), an NYSE member, wishes to execute a transaction, in London, for a proprietary account in XYZ security, a stock listed on the NYSE. ABC may send the order to its affiliate, ABC-London, P.L.C., for execution in London. This transaction would be reportable under Rule 410B because it was effected for the account of an NYSE member firm, ABC.

2. Assume the same facts as in example 1 above, except that the transaction is for the account of a customer of ABC. This transaction would also be reportable under Rule 410B because it was effected for the account of a customer of an NYSE member firm.

3. Assume that ABC-London, P.L.C. executes a transaction for its own proprietary account in London in XYZ security. Such a transaction is not reportable under Rule 410B because ABC-London, P.L.C. is not an NYSE member firm.

4. Assume that ABC-London, P.L.C. executes a transaction on behalf of one of its customers in London in XYZ security. Such a transaction is not reportable under Rule 410B because the customer is not a customer of an NYSE member firm.<sup>19</sup>

5. If, in example 4, the customer was also a customer of the NYSE member firm and the member firm had a part in arranging the transaction, such transaction would then be reportable under Rule 410B. Such transactions must be arranged in compliance with Rule 15a-6 under the Securities Exchange Act of 1934.

6. Assume that ABC-London, P.L.C. sends a proprietary order to ABC for execution in the U.S. for YZX securities, an NYSE-listed stock. In this instance, ABC-London, P.L.C. would be deemed to be a customer of ABC. If a transaction is effected on this order in the U.S. and is not reported to the Consolidated Tape (e.g., an OTC transaction executed at 5:30 p.m.), it would be reportable under Rule 410B for two reasons. First, if ABC traded as principal on the other side of

<sup>19</sup> Examples 3 and 4 show that Rule 410B does not generally apply to transactions effected outside of the U.S. for the account of a foreign affiliate of an NYSE member firm or transactions effected by such an affiliate for the account of a customer in the foreign country. See examples 5 through 7, however for certain transactions involving a foreign affiliate that would be reportable under Rule 410B. In those examples, the transaction involving a foreign affiliate or its customer is reportable because the NYSE member firm has either arranged the transaction or executed the transaction in the U.S.

the order, the transaction would be reportable as a transaction for the account of an NYSE member firm. Second, if ABC represented the order solely as an agent, the transaction would be reportable as a transaction for the account of a customer of an NYSE member firm.

7. Assume the same facts as in example 6 above, but that the order transmitted by ABC-London, P.L.C. is for the account of one of its customers. ABC-London, P.L.C. would again be deemed to be a customer of ABC. A transaction effected in the U.S. upon such an order that was not reported to the Consolidated Tape would be reportable under Rule 410B for the same reasons stated in example 6 above.

### III. Comments and NYSE Response

#### A. Comment Letters

The Commission received seven comment letters either opposing or suggesting substantial modifications to the NYSE proposal: One each from Morgan Stanley & Co. ("Morgan Stanley")<sup>20</sup> and the Securities Industry Association ("SIA");<sup>21</sup> one from the Canadian Exchanges and a follow-up letter from the Toronto Stock Exchange only; and three from the National Association of Securities Dealers, Inc. ("NASD"). The NYSE responded to the concerns raised by these commentators in two letters dated April 22, and June 15, 1992.<sup>22</sup>

In its comment letter, Morgan Stanley states that the NYSE proposed the new reporting requirements primarily to further its own competitive interests, and to discourage off-exchange trading, which adversely affects the Exchange's market share, rather than to serve a regulatory function. Morgan Stanley states that, to the extent there is a real surveillance need, the NYSE can receive the necessary information by less burdensome means than the imposition of Rule 410B reporting requirements. For example, Morgan Stanley asserts that, in order to enhance the Exchange's ability to surveil for insider trading, the Exchange could request member firms to

<sup>20</sup> Morgan Stanley & Co. is a registered U.S. broker-dealer and NYSE member. In its letter, Morgan Stanley stated it trades for its customers and for its own account around the clock, on the NYSE and in the OTC market overseas outside of NYSE trading hours.

<sup>21</sup> The SIA is a trade association representing securities firms headquartered throughout the United States and Canada. Its members include investment banks, brokers, dealers and mutual fund companies.

<sup>22</sup> See letters from James E. Buck, Senior Vice President and Secretary, NYSE, to Jonathan G. Katz, Secretary, SEC, dated April 22, 1992 ("April 22 letter") and June 15, 1992 ("June 15 letter").



report all overseas trades in stocks that are the subject of an announcement of a material corporate event (e.g., a merger), rather than impose a new, across-the-board reporting requirement. Similarly, Morgan Stanley suggests that only in cases where the NYSE is concerned about marking-the-close in a particular stock should overseas trading in that stock be required to be reported.<sup>23</sup>

The Canadian Exchanges fear that Rule 410B may have anti-competitive effects, causing member firms to refuse to route orders to markets such as the Canadian Exchanges that do not report to the Consolidated Tape, due to the costs of complying with Rule 410B. The Canadian Exchanges request that the proposed rule be amended to provide an exemption for transactions reported to recognized exchanges that publicly report details of transactions, as do the Canadian Exchanges. The Canadian Exchanges urge other markets to recognize the existing public reporting methods in the interest of minimizing compliance costs.

The Canadian Exchanges criticize NYSE Rule 410B as creating overlapping reporting requirements and stress that reporting concerns should be addressed through information-sharing agreements. In this regard, the Canadian Exchanges point out that the Toronto, Montreal, and Vancouver stock exchanges are each affiliate members of the Intermarket Surveillance Group ("ISG")<sup>24</sup> and have information-sharing agreements in place with the NYSE as well as other U.S. stock exchanges for surveillance and investigative purposes. Finally, the Canadian Exchanges state that Rule 410B will not provide a better picture of overall trading in NYSE-listed stocks because only NYSE member trading will be reported.

In its May 19 letter, the Toronto Stock Exchange, reiterating its previous competitive concerns, urges the Commission specifically to solicit further comment on the effect of

proposed Rule 410B on intermarket competition.

The NASD and SIA letters both express concern that the proposed rule is largely duplicative of the reporting requirements imposed by NASD Form T.<sup>25</sup> The SIA states that requiring the same information in different formats imposes unnecessary costs to, and duplicative regulatory burdens on, U.S. broker-dealers. Accordingly, the SIA requests that the Commission examine the duplicative aspects of NASD Form T and NYSE Rule 410B to alleviate this burden.

In its letter, the SIA recommends modifications to the NYSE proposal to address three additional concerns. First the SIA objects to the proposed requirement that the reporting be conducted on a next business day basis. Because many of the affected trades may be after-hours trades that are executed after many member firms' systems are closed for the day, the SIA urges that, instead, such reporting be done on the next business day after the trade ("T+1") or the day following processing, whichever is later, in order to accommodate such anticipated computer system cut-offs. Second, the SIA suggests that an appropriate phase-in period be provided to permit substantial and costly systems adjustments to meet the proposal format and time frames for reporting. Third, the SIA recommends that the identity of contra-side broker-dealers only be disclosed when circumstances warrant, as is done with the NASD's Form T.<sup>26</sup>

As noted above, like the SIA, the NASD is primarily concerned about duplicate reporting requirements that will be imposed to dual NYSE and NASD members.<sup>27</sup> In the NASD's view, the duplicate reporting burdens and additional costs will adversely affect a major segment of the securities industry, including many NASD member firms. The NASD also notes its responsibility under the Act to surveil after-hours,

OTC trading and its commitment as an SRO and participant in ISG to sharing information in listed securities with exchanges. In addition to the duplication concerns, the NASD cites concerns over the potential costs of Rule 410B without any clear or significant benefits.

In its February 21 and May 15 letters, the NASD states that it is preferable to capture off-hours trading through the NASD's Automated Confirmation Transaction ("ACT") service.<sup>28</sup> The NASD believes that ACT reporting is a cost-effective alternative to Rule 410B. Acknowledging that it is more efficient to compile transaction reports electronically than in hard copy form,<sup>29</sup> the NASD states that it intends to propose enhancements to its ACT service to replace Form T. The NASD argues that its ACT service is the preferable system for collecting transaction information, because most NYSE member firms subject to NYSE Rule 410B currently subscribe to ACT to maintain a clearing arrangement with an ACT subscriber, and that ACT system changes would be less costly to implement than NYSE Rule 410B.<sup>30</sup>

The NASD also noted in its February 21 letter that the NYSE, by failing to address any limitation in the NYSE's regulatory jurisdiction that impairs its ability to examine a member firm's records of equity trades effected in any other market, foreign or domestic, has not justified the costs and duplicative reporting burdens that Rule 410B would impose.

The NASD states that the cost of compliance with Rule 410B for a typical firm, including the cost of communication lines, should be weighed against the cost of reporting through ACT. In its May 15 letter, the NASD details some of the contemplated enhancements to ACT,<sup>31</sup> stressing that,

<sup>28</sup> The ACT service was designed to facilitate comparison and clearing of inter-dealer OTC equity trades. Participation in ACT is mandatory for all NASD members that are either self-clearing firms or have clearing arrangements with such firms. NASD members are required to enter trade reports within specific time frames, this data is then compared and these matched "locked-in" trades are submitted electronically to the National Securities Clearing Corporation ("NSCC"). See Securities Exchange Act Release No. 27229 (September 7, 1989), 54 FR 38484.

<sup>29</sup> As noted above, currently NASD members report transactions on a weekly basis on Form T.

<sup>30</sup> In its March 10 letter, the NASD stated that there are 136 ACT subscribers that are dual members of the NASD and the NYSE.

<sup>31</sup> Specifically, ACT will automate Form T, capture nearly the same data elements, and can accommodate reports more often than the current weekly reporting. The NASD has stated that the system changes to implement the expansion of ACT should be ready by January, 1993.

<sup>23</sup> Morgan Stanley also expresses concern that the NYSE submitted the proposed rule for Commission approval without consulting its membership and either its Legal Advisory or Compliance Advisory Committees, and assumes the NYSE did not give notice of the proposed rule to these committees because the Exchange feared substantial opposition to the new rule. The Commission notes that the NYSE fulfilled all the legal requirements under the Act for filing its proposal with the Commission.

<sup>24</sup> The ISG was formed on July 14, 1983, to provide a mechanism for coordinating surveillance and market data for purposes of intermarket investigations and to maintain a facility for the routine exchange of such information. The ISG also serves as a forum for self-regulatory organizations ("SROs") to discuss joint surveillance concerns and to devise methods to improve intermarket surveillance.

<sup>25</sup> Schedule C, § 2(a)(4) of the NASD By-Laws requires NASD members to report to the NASD trades effected during times when the Consolidated Tape is closed, on a weekly basis, on Form T. Although by its terms the Rule contains no exemption for reporting trades effected by a NASD member with a foreign broker-dealer or customer, the NASD has not required member firms to report transactions on Form T that have been effected on and reported to a foreign securities exchange.

<sup>26</sup> The SIA questions the necessity of requiring regular reporting of contra-side broker-dealers and listed several related questions, such as whether foreign broker-dealers would be included. The SIA's primary concern is that this requirement could be construed to permit the NYSE to regularly request customer names.

<sup>27</sup> The NASD specifically states it does not object to the application of proposed Rule 410B to NYSE members that are not also NASD members.



in addition to the transaction reporting function, ACT also offers broker-dealers the benefits of trade comparison and risk management functions. The NASD proposes that the NYSE limit the application of Rule 410B to its members who are not NASD members.

#### B. NYSE Response

In its two response letters, the NYSE discusses the issues raised by the four commentators. In its April 22 letter, the NYSE first addresses the issue of cost and administrative burden by stating that member firms are currently required to collect the same data that proposed NYSE Rule 410B would require.<sup>32</sup>

Second, regarding the issue of duplication in reporting, the NYSE states that, compared to Form T, Rule 410B is broader, because it would require next day, as opposed to weekly, reporting. In addition, Rule 410B captures the following information that Form T does not: marketplace of the transaction; buy, sell or cross; principal or agent; contra-side broker-dealer; and transactions executed on and reported to foreign securities exchanges.

Third, the NYSE challenges the cost effectiveness and feasibility of the proposed ACT enhancements, pointing out that the NASD has not yet proposed these enhancements, cost estimates have not been calculated, and details have not been finalized. For example, it is unclear whether the NASD will propose that enhanced ACT require weekly versus next day reporting of all transactions, including those in foreign markets, or all the data elements included in Rule 410B.<sup>33</sup>

Fourth, the NYSE addresses the concerns raised by both the NASD and the Canadian Exchanges regarding information sharing by committing to submit all Rule 410B information received by the NYSE to the Exchange's Intermarket Surveillance Information System ("ISIS"), which is accessible to ISG participants. The NYSE also notes that Rule 410B information will be available to ISG participants on a timely basis and information sharing will not be hindered due to the lack of an information-sharing agreement with the

country where the transaction was executed.

In response to the Canadian Exchanges' assertions that Rule 410B may have anti-competitive effects, the NYSE states that Rule 410B should not dissuade order entry into foreign markets, because the cost and administrative burden of reporting should be minimal. In addition, the NYSE states that the Canadian exchanges would not be at a competitive disadvantage compared to other foreign markets, because all transactions, wherever executed, must be reported. Lastly, in response to the SIA's concern that the identity of broker-dealer's customers would be revealed under the rule, the NYSE points out that the rule requires disclosure of the contra-side broker-dealer, not the broker-dealer's customer.

In its June 15 letter, the NYSE responds to the concerns raised by the NASD in its May 15 comment letter. First, regarding the cost of implementing Rule 410B, the NYSE explains that this information will be collected by the Rule 410B Data Entry System, a data entry program which will be installed by SIAC at no cost to NYSE members. The NYSE states that the entire cost of software development as well as future upgrades and support by SIAC will be borne by the Exchange. Further, the Exchange explains that all NYSE members are currently equipped with communication links and equipment to electronically submit regulatory information to the Exchange and SIAC; thus additional systems costs are not likely to be incurred.

With respect to the NASD's suggestion that ACT should be considered as an alternative to Rule 410B, the NYSE notes that cost estimates of implementing enhanced ACT have not been provided. Respecting the issue of duplicate reporting, the NYSE reiterates that Rule 410B is broader than Form T and the proposed ACT enhancements. In response to the NASD's assertion that this information could be obtained from the foreign market through memoranda of understanding ("MOU"), the NYSE questions what would occur if no such MOU is in place and how the foreign market will be identified, because the identity of the market is currently not disclosed on Form T.

#### IV. Discussion

After careful consideration of the comments received as well as applicable statutory provisions, the Commission believes that the NYSE's proposal to require its members to

report to the Exchange certain transactions in NYSE-listed securities not reported to the Consolidated Tape is reasonably designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, protect investors and the public interest, and remove impediments to and perfect the mechanism of a free and open market and a national market system. For these reasons and for the additional reasons set forth below, the Commission finds that approval of 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 sections 6(b) and 11A.<sup>34</sup>

The Commission believes that Rule 410B should increase the scope of trading information available to the Exchange by requiring regular reporting of transactions not reported to the Consolidated Tape. This information is not routinely available under existing rules. Currently, under NYSE Rule 410A, the Exchange may request similar transaction information from NYSE members; however, Rule 410A only requires members to supply transaction information upon the NYSE's request.<sup>35</sup> In contrast, Rule 410B will provide regular, timely transaction reporting. The Commission believes that this information should be useful and beneficial for the NYSE as well as investors in several ways.

First, the Commission believes that the Exchange's ability to monitor member trading in NYSE-listed stocks should be substantially improved. Specifically, the Commission believes that the information received pursuant to this rule should enhance the Exchange's market surveillance efforts by providing additional information regarding overseas and after-hours trading that can be used in investigations of questionable trading activity. In addition, the Commission believes that the availability of this transaction data also should provide a more complete audit trail and depiction of total member trading in each NYSE-listed stock, which should facilitate surveillance by the Exchange in NYSE-listed stocks. For example, through trade information submitted pursuant to Rule 410B, the NYSE should be better able to detect possible manipulations of NYSE-

<sup>32</sup> Specifically, the NYSE stated that all of the same type of information that is required to be reported by Rule 410B is currently collected by member firms. See SEC Rule 10b-10, 17 CFR 240.10b-10 (1992), and NYSE Rules 409(f) and 410a.

<sup>33</sup> The NASD stated that Act will not require reports of trades reported on foreign securities exchanges. Instead, the NASD, as a matter of comity, relies on memoranda of understanding and surveillance sharing agreements with the foreign market. The NASD indicated, however, a willingness to discuss this issue further with the Commission.

<sup>34</sup> 15 U.S.C. §§ 78f(b) and 78k-1 (1988).

<sup>35</sup> NYSE Rule 410A requires NYSE members to submit this "blue sheet" information electronically to the Exchange in connection with market surveillance inquiries. See Securities Exchange Act Release No. 25859 (June 27, 1988), 53 FR 25029.



listed stocks such as marking the close. The regular reporting should not only expedite detection of questionable trading activity, but should aid also in deterring such activity. This will ultimately benefit all investors in the securities markets.

As noted above, Morgan Stanley questioned the NYSE's purposes behind the rule, arguing that the rule could be fashioned more narrowly, while still providing the NYSE with useful overseas trade information for surveillance purposes. While the NYSE could have decided to draft a narrower reporting requirement and does have access, pursuant to Rule 410A, to some of the same information Rule 410B will provide, the Commission believes that it is reasonable for the NYSE to determine that regular reporting, as opposed to reporting on a more limited basis, would be more useful for its surveillance program. Although the NYSE admits that its proposal will also serve the additional purpose of providing it with information about the extent of off-hour trading, this factor does not reduce the regulatory usefulness of the information.<sup>36</sup> In summary, the Commission believes the development of a more complete audit trail in after-hours trading in NYSE-listed stocks will facilitate the NYSE in meeting its regulatory responsibilities under the Act to adequately surveil its markets and enforce its rules. The Commission believes that enhanced Exchange surveillance should, in turn, promote just and equitable principles of trade, and prevent fraudulent and manipulative acts and practices, consistent with the Act.

The Commission recognizes that proposed Rule 140B does not provide transparency, which contemplates real-time, publicly-disseminated reporting of quotations, transaction volume, or prices, for NYSE-listed stocks after the close of operation of the Consolidated Tape. Instead, the Commission notes that Rule 410B is much more limited, requiring electronic reporting of trade data to the NYSE on a next-day basis for regulatory purposes. The Commission, in conjunction with the NYSE and other market centers, is currently seeking ways to enhance transparency for securities transactions.<sup>37</sup> Although NYSE Rule

<sup>36</sup> In this regard, we think it is extremely important that Rule 410B reporting information be made available to all ISG participants through ISIS, as the NYSE has represented. We note that any refusal of access, or delay in providing the information, to other SROs would raise serious competitive concerns.

<sup>37</sup> For example, the Commission recently approved a proposed rule change submitted by the

410B does not bring transparency to the after-hours and overseas marketplaces for NYSE-listed stocks, the Commission believes that the trade reporting required by NYSE Rule 410B is an important step in ensuring that SROs have adequate information to detect and deter violations of the securities laws. The Commission notes that the NYSE stated that it may disclose Rule 410B information on an aggregate basis, for example, to publicize the amount of volume in NYSE-listed stocks executed but not reported to the Consolidated Tape. Although the NYSE is not required to do so under its rule, the Commission nevertheless believes this information could prove useful to market participants.

The Commission has considered carefully the comments and responses received regarding NYSE Rule 410B. Several commentators raised the issues of cost and potential duplication in reporting. The Commission believes that the NYSE has shown that the cost and administrative burden of reporting should be minimal for NYSE member firms.<sup>38</sup> In particular, NYSE members and member firms will not be incurring costs as to the development or installation of the PC data entry program or for direct communication links to transmit the information directly to SIAC. Although the Commission recognizes that certain increased costs may result from personnel requirements to input the data, the Commission believes the benefits of the information far outweigh these minimal costs. Accordingly, the Commission does not agree with the NASD that joint NYSE and NASD members should be exempt from Rule 410B reporting. Further, the Commission does not believe that some duplication in reporting between Rule 410B and the NASD's proposed use of its ACT service is inconsistent with the Act.

As noted above, the NASD currently requires certain information on after-

NASD extending the requirement of real-time trade reporting within 90 seconds after execution of transactions in exchange-listed securities until 5:15 p.m. See Securities Exchange Act Release No. 30437 (March 3, 1992), 57 FR 8370 (approving File No. SR-NASD-91-37).

<sup>38</sup> As noted above, the SIA indicated concern that certain firms may have difficulty reporting the Rule 410B information on the next business day because their systems may be closed when the trade takes place. In response, the NYSE has stated that it will require the information to be reported either on the next business day or the next trade processing cycle after the transaction takes place. This should alleviate any undue burden on firms due to systems cutoffs. Telephone conversation between Sharon Lawson, Assistant Director, SEC and Brian McNamara, Managing Director, Rule Development, NYSE, on October 23, 1992. See NYSE Information Memorandum, note 18, *supra*.

hours trades to be reported on a weekly basis on Form T. In its February 21 letter, the NASD acknowledges that "the capture of transactional data on a hard copy form is not the most efficient means to compile such information for regulatory purposes." Accordingly, the NASD argues that its ACT service could be enhanced to serve as a cost-effective alternative to Rule 410B. In response, the NYSE points out that the details of possible ACT enhancements are not sufficiently clear to permit consideration of ACT as an alternative to Rule 410B. Specifically, the data elements, format, and time frame for reporting are not definitively established nor has the Commission received a proposed rule change pursuant to Rule 19b-4 of the Act. Moreover, NYSE Rule 410B is currently broader than the NASD's proposed ACT enhancements in that it does not except out transactions reported on a foreign exchange. Although the NASD's ACT service could ultimately serve as an effective alternative or supplement to NYSE Rule 410B, the Commission believes that, given the preliminary stages of the NASD proposal, the informational reporting differences and the benefits to be achieved by providing more information on overall trading in NYSE-listed stocks, that the NYSE's proposed Rule 410B should be approved at this time.<sup>39</sup> In making this determination, the Commission notes that the NYSE, as the primary market in its listed securities, has a clear regulatory interest in ensuring that it has up to date information on trading activity in its listed securities by all its members. Although some duplicate reporting will exist for dual NYSE/NASD members as a result of Rule 410B and Form T requirements, the Commission believes the burden is minimal and, in any case, is justified for valid regulatory reasons under the Act.

Despite our determination to approve the NYSE proposal at this time, the Commission continues to believe that the development of a single reporting system, where each market would have immediate access to the reported information is important. Accordingly, the Commission encourages the NYSE and the NASD to integrate reporting systems for collecting after-hours transaction information in order to avoid unnecessary costs for both organizations as well as dual members.

<sup>39</sup> Despite approval of NYSE Rule 410B, the Commission continues to believe it is important for the NASD to proceed with plans to capture Form T information electronically through its ACT service, in addition to including reporting of transactions occurring on foreign exchanges.



Other commentators expressed concern regarding information sharing and the purpose of Rule 410B. These concerns appear unfounded. The NYSE has stated that the Rule 410B information will be stored in the Exchange's ISIS and made available to all ISC participants. The Commission expects the NYSE to share the information with the other markets on a timely basis. Nevertheless, the NYSE has stated that the information obtained from Rule 410B will be used for regulatory purposes and therefore kept confidential, and that it will not publicly disclose specific transactions.

The Commission has considered carefully the intermarket competition concerns set forth by the Canadian Exchanges.<sup>40</sup> Under section 6(b)(8) of the Act, the Commission may not approve a proposed rule that imposes a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Assuming section 6(b)(8) applies to foreign persons, the Commission disagrees that the rule will have the effect of causing member firms to refuse to route orders to the Canadian markets because of the costs of complying with Rule 410B. As the NYSE states, any transaction occurring in any foreign market would be treated the same under Rule 410B. Because firms will be incurring the same costs for reporting a transaction pursuant to NYSE Rule 410B, irrespective of where the transaction occurs, and as noted above those costs appear to be minimal, the Commission does not believe the rule will result in a disadvantage to the Canadian markets.

Moreover, participants trading in the Canadian markets in NYSE-listed stocks recognize that the NYSE currently can have access to their trading information. For example, the Exchange may request specific information pursuant to Rule 410A even if it is already reported to another foreign market. The NYSE may seek surveillance information through ISC or information-sharing agreements with other countries. The NYSE also may have direct access to the transaction information of foreign

markets that publicly disseminate such information.

As discussed above, the principal purpose of Rule 410B is to obtain after-hours trading information about NYSE-listed securities on a next-day basis, electronically, directly from members, so that it can be integrated with transaction information that is reported to the Consolidated Tape to create a single, complete data base and audit trail of member trades in NYSE-listed securities. In this regard, the Commission recognizes the NYSE's objective of enhancing surveillance by increasing the data base of transaction information to include trades not reported to the Consolidated Tape. The Commission believes that Rule 410B should aid the NYSE's efforts to carry out its surveillance responsibility under the Act. Accordingly, the Commission finds that to the extent Rule 410B does impose any burden on competition, the burden results from an appropriate regulatory purpose under the Act, and therefore approval of Rule 410B is fully consistent with section 6(b)(8) under the Act.

Thus, after careful consideration of the issues raised in the comment letters, and for the reasons stated above, the Commission believes that the proposed rule is consistent with sections 6(b)(5), 6(b)(8), and 11A of the Act. Moreover, the Commission believes that Rule 410B should permit the NYSE to perform its surveillance functions more thoroughly.

#### V. Conclusion

The Commission finds that the proposed rule change is consistent with the Act.

*It is therefore ordered*, Pursuant to section 19(b)(2) of the Act,<sup>41</sup> that the proposed rule change (SR-NYSE-91-45) be, and is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>42</sup>

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 92-26648 Filed 11-2-92; 8:45 am]

BILLING CODE 8010-01-M

#### DEPARTMENT OF STATE

#### Bureau of Politico-Military Affairs; Suspension of Munitions Export Licenses to Sudan

[Public Notice 1711]

AGENCY: Department of State.

<sup>41</sup> 15 U.S.C. 783(b)(2) (1988).

<sup>42</sup> 17 CFR 200.30-3(a)(12) (1992).

#### ACTION: Notice.

**SUMMARY:** Notice is hereby given that all licenses and other approvals to export or otherwise transfer defense articles or defense services to Sudan are suspended until further notice pursuant to section 38 of the Arms Export Control Act.

**EFFECTIVE DATE:** October 8, 1992.

**FOR FURTHER INFORMATION CONTACT:** Clyde G. Bryant, Jr., Chief, Compliance Analysis Division, Office of Defense Trade Controls, Bureau of Politico-Military Affairs, Department of State (703-875-6650).

**SUPPLEMENTARY INFORMATION:** Effective immediately, it is the policy of the U.S. Government to deny all applications for licenses and other approvals to export or otherwise transfer defense articles and services to Sudan. In addition, U.S. manufacturers and exporters and any other affected parties are hereby notified that the Department of State has suspended all previously issued licenses and approvals authorizing the export or other transfer of defense articles or defense services to Sudan. Moreover, foreign assistance to Sudan, other than humanitarian assistance, was suspended pursuant to section 513 of the Foreign Operations Authorization Act, which mandates suspension of assistance following a military coup.

The licenses and approvals that have been suspended include manufacturing licenses, technical assistance agreements, technical data, and commercial military exports of any kind subject to the Arms Export Control Act involving Sudan. This action also precludes the use in connection with Sudan of any exemptions from licensing or other approval requirements included in the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120-130).

This action has been taken pursuant to sections 38 and 42 of the Arms Export Control Act (22 U.S.C. 2778, 2791) and § 126.7 of the ITAR in furtherance of the foreign policy of the United States.

In accordance with §§ 126.3 and 126.7 of the ITAR, affected U.S. persons desiring review of this decision with regard to a particular export may petition the Director, Office of Defense Trade Controls. Exceptions to this policy, particularly for non-lethal items, will be considered on a case-by-case basis.

<sup>40</sup> The Commission finds that the statutory notice requirements under Section 19 of the Act have been met and, therefore, disagrees that the Commission should solicit comment specifically on the effects of Rule 410B on intermarket competition, as suggested by the Canadian Exchanges. The proposed rule change was published in the Federal Register for the full statutory period under the Act, which gave interested persons the opportunity to comment on any aspect of the proposal. As a result, the Commission received seven comment letters. The Commission believes that, in its two response letters, the NYSE has addressed the relevant questions raised in the comment letters.



Dated: October 23, 1992.

Robert L. Gallucci,

Assistant Secretary, Bureau of Politico-Military Affairs, Department of State.

[FR Doc. 92-26586 Filed 11-2-92; 8:45 am]

BILLING CODE 4710-25-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. 92-57; Notice 1]

#### Receipt of Petition for Determination That Nonconforming 1992 Mercedes Benz 600SEL Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for determination that nonconforming 1992 Mercedes Benz 600SEL passenger cars are eligible for importation.

**SUMMARY:** This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a determination that a 1992 Mercedes Benz 600SEL that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

**DATE:** The closing date for comments on the petition is December 3, 1992.

**ADDRESS:** Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590. [Docket hours are from 9:30 a.m. to 4 p.m.]

**FOR FURTHER INFORMATION CONTACT:** Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that

(1) the motor vehicle is \* \* \* substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 [of the Act], and of the same model year \* \* \* as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards \* \* \*.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the Federal Register.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (Registered Importer No. R-90-005) has petitioned NHTSA to determine whether 1992 Mercedes Benz 600SEL (Model ID 140.057) passenger cars are eligible for importation into the United States. The vehicle which Wallace believes is substantially similar is the 1992 Mercedes Benz 600SEL that was manufactured for importation into and sale in the United States and that was certified by its manufacturer, Daimler Benz A.G., as complying with all applicable Federal motor vehicle safety standards.

The petitioner states that it performed a careful evaluation of the non-U.S. certified 1992 Mercedes Benz 600SEL, and determined that it is substantially similar to its U.S. certified counterpart. As described by the petitioner, this evaluation included an exhaustive review of the factory parts manual for both vehicles, as well as a visual inspection of individual parts. Based on this evaluation, the petitioner contends that the non-U.S. certified 1992 Mercedes Benz 600SEL, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the two models are identical with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence* \* \* \*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *new*

*Pneumatic Tires* 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner claims that the 1992 model 600SEL complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicle is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) recalibration of the speedometer/odometer from kilometers to miles per hour, or replacement with one that is so calibrated.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) installation of U.S.-model headlamp assemblies which incorporate amber parking lamp reflectors; (b) installation of U.S.-model taillamp assemblies; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: installation of a tire information placard.

Standard No. 111 *Rearview Mirrors*: inscription of the required warning statement on the passenger's outside rearview mirror.

Standard No. 114 *Theft Protection*: installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number*: installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems*: rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 206 *Door Locks and Door Retention Components*: modification or replacement of the near door locks with U.S.-model equipment.

Standard No. 208 *Occupant Crash Protection*: (a) installation of a seat belt



warning system; (b) replacement of the seat belt latch with one that includes a microswitch to activate the seat belt warning system; (c) installation of a U.S.-model knee bolster for the passive restraint system. The petitioner contends that all other components of the non-U.S. certified model 600SEL's passive restraint system have identical part numbers to those found on its U.S. certified counterpart.

Standard No. 214 *Side Door Strength*: installation of reinforcing beams.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the *Federal Register* pursuant to the authority indicated below:

Comment closing date: December 3, 1992.

Authority: 15 U.S.C. 1397(c)(3)(A)(i)(I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on October 9, 1992.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 92-26684 Filed 11-2-92; 8:45 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE TREASURY

[Directive No. 15-52]

### Directive; Mitigation of Forfeiture of Counterfeit Gold Coins

October 27, 1992.

1. *Delegation.* Pursuant to the authority vested in the Secretary of the Treasury by title 18, U.S. Code, section 492 and vested in the Assistant Secretary (Enforcement) by Treasury Order 101-05, there is delegated to the Director, United States Secret Service, the authority to perform the functions of the Assistant Secretary (Enforcement) with respect to the mitigation of forfeiture of counterfeit gold coins of the United States, including the authority to take final action on petitions filed pursuant to part 101 of title 31, Code of Federal Regulations.

2. *Redelegation.* The Director may redelegate this authority to the Deputy Director or any Assistant Director.

3. *Cancellation.* Treasury Directive 15-52, "Mitigation of Forfeiture of Counterfeit Gold Coins," dated September 29, 1986, is superseded.

4. *Office of Primary Interest.* Office of the Assistant Secretary (Enforcement).

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 92-26667 Filed 11-2-92; 8:45 am]

BILLING CODE 4810-25-M

## DEPARTMENT OF VETERANS AFFAIRS

### Summary of Precedent Opinions of the General Counsel

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Department's General Counsel involving veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters. It is being published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue.

FOR FURTHER INFORMATION CONTACT: Jane L. Lehman, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 523-3826.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 12.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel which must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

O.G.C. Precedent Opinion 1-92

Questions Presented

Under 38 U.S.C. 5101(b) and 5105

(formerly Sections 3001(b) and 3005), should either an application for death benefits, filed by a veteran's surviving spouse on a VA Form 21-534, wherein the surviving spouse indicated that the veteran's death was not alleged to have resulted from military service, or an application for Social Security Administration (SSA) benefits on VA Form SSA-24, submitted simultaneously to the same VA regional office, be considered a claim for dependency and indemnity compensation (DIC)?

Held

The VA Form SSA-24, Application for Survivors Benefits under the Social Security Act, filed by the surviving spouse of a veteran at a VA regional office, constitutes a claim for dependency and indemnity compensation (DIC) despite the fact that the claimant indicated on a simultaneously filed VA Form 21-534, Application for Dependency and Indemnity Compensation or Death Pension by a Widow/er or Child, that service connection of the veteran's death was not being alleged. Unless it is determined that this claim was finally denied prior to VA's later award of DIC benefits, it must be considered to have been pending on that date for purposes of determination of the effective date of DIC benefits.

EFFECTIVE DATE: January 17, 1992.

O.G.C. Precedent Opinion 2-92

Question Presented

Does the Board of Veterans' Appeals (BVA) have the authority under 38 U.S.C. 7102 to issue decisions by a section of the Board composed of one regularly assigned member and one "acting member" when a regularly assigned member is absent, the third position on the section is vacant as the result of vacancy on the Board, or the third regularly assigned member is unable to serve on that section?

Held

Under 38 U.S.C. 7102, the Board of Veterans' Appeals has the authority to issue decisions made by sections of the Board composed of one regularly assigned member and one acting member when a regularly assigned member is absent, the third position in the panel is vacant due to a vacancy on the Board, or a regularly assigned member is unable to serve on that section.

EFFECTIVE DATE: January 21, 1992.

O.G.C. Precedent Opinion 3-92

This opinion was superseded by the enactment of Public Law No. 102-371 and was subsequently withdrawn.

O.G.C. Precedent Opinion 4-92

Questions Presented

a. May a deceased veteran's child



who is not in the custody of the veteran's surviving spouse and who has been awarded an apportioned share of the dependency and indemnity compensation payable to the surviving spouse elect to receive improved death pension benefits, if the child is otherwise eligible?

b. If such child may be awarded improved death pension benefits, should the amount of dependency and indemnity compensation payable to the surviving spouse be reduced to reflect the award to the child?

**Held**

(a). If a child of a deceased veteran under age 18 and not in the custody of the veteran's surviving spouse has been awarded an apportionment of the dependency and indemnity compensation (DIC) otherwise payable to the surviving spouse, 38 U.S.C. 1317, which deals with the exclusivity of the DIC remedy, renders the child ineligible for payment of improved death pension by reason of the deceased veteran's death.

(b). Neither current statutes nor regulations governing concurrent benefits and elections prohibit an award of improved death pension authorized by 38 U.S.C. 1542 (formerly section 542) to a deceased veteran's child under the age of 18 who is not in the custody of the deceased veteran's surviving spouse and who is not eligible for an apportionment of the DIC payable to the surviving spouse. If such a child were found to be entitled to pension, there would be no legal authority to withhold the additional amount of DIC payable to the surviving spouse on account of such child.

**EFFECTIVE DATE:** February 20, 1992.

**O.G.C. Precedent Opinion 5-92**

*Question Presented:*

In appeals from decisions in which the agency of original jurisdiction reopened a claim for service connection after a finding of new and material evidence, but then proceeded to deny the reopened claim on its merits, does the Board of Veterans' Appeals (BVA or Board) have the authority to determine on a *de novo* basis whether the claim had been properly reopened?

**Held**

In appeals from decisions in which the originating agency denied a reopened claim for service connection after a finding of new and material evidence to reopen the claim, the Board of Veterans' Appeals has the authority to determine on a *de novo* basis whether the claim had been properly reopened.

**EFFECTIVE DATE:** March 4, 1992

**O.G.C. Precedent Opinion 6-92**

*Questions Presented:*

1. Under what circumstances, if any, may a Department of Veterans Affairs

Regional Office (VARO) rating decision reducing a total disability rating be upheld in the absence of a specific reference in the decision itself to 38 CFR 3.343(a)?

2. If § 3.343(a) need not be cited in the decision itself you requested our opinion with regard to the following:

(a) How closely must the language in the decision track the language in § 3.343(a) to reflect that the reduction is in accordance with the provisions of the regulation?

(b) May BVA look beyond the four corners of the rating decision itself to determine whether consideration was given to the provisions of § 3.343(a), such as to prior rating decisions which may have continued a 100% rating while noting that improvement was shown and providing for a future examination to establish the presence of sustained improvement?

(c) If BVA cannot determine from the rating decision itself or otherwise whether § 3.343(a) was considered, can this deficiency in the rating decision be cured by the letter notifying the veteran of the reduction, by a subsequently issued statement of the case, or by a BVA decision?

(d) If the VA Regional Office rating decision disregarded § 3.343(a) and is void *ab initio*, can such a defect be cured by any subsequent act? Does it necessarily follow that all subsequent rating decisions and BVA decisions which sustain a rating less than 100% are likewise void?

(e) If failure to cite § 3.343(a) in the rating decision renders the decision void *ab initio*, must all potentially applicable law and regulations be cited in VA Regional Office decisions and BVA decisions to avoid procedural due process violations? If all potentially applicable laws and regulations do not need to be cited, what criteria are to be used in deciding whether the omission of a potentially applicable law or regulation constitutes a violation of substantive due process which cannot be cured?

3. Does an opinion set forth by General Counsel in a memorandum or brief to COVA, such as the concession in the *Swan* case, have any binding effect on Agency officials in any case other than the case then subject to COVA jurisdiction?

4. If an opinion set forth by General Counsel in a memorandum or brief to COVA is acted upon by COVA without comment or deliberation, does the legal opinion thereby become binding as though COVA had rendered the opinion?

**Held**

1. A rating board decision may be upheld in the absence of specific reference in the decision to § 3.343(a) if all of the evidence of record, including

the decision, allows a conclusion to be drawn that § 3.343(a) has been considered and applied to the case. If it cannot be determined that it was considered at the regional office level, then BVA must determine whether the claimant was prejudiced by this error. The Board may, under some circumstances, decide that issuing a decision addressing the issue without further action is appropriate. In other circumstances, the Board may conclude, based on all the evidence of record, that the failure to consider § 3.343(a) resulted in prejudicial error and reverse the rating decision reducing the veteran's rating.

2. (a) In the absence of a specific reference to § 3.343(a) in the rating decision, language closely tracking that of the regulation may be of assistance to the reviewing authority in determining whether it was considered. However, language closely tracking that of § 3.343(a) is not mandatory. If it is apparent from the findings, language of the rating and the evidence of record that § 3.343(a) has been correctly applied, the rating decision should be upheld.

(b) On appeal, BVA makes a *de novo* review which allows it to look beyond the four corners of the regional office rating decision to make its decision with regard to whether § 3.343(a) was applied. A previous rating showing improvement may be considered in determining the current condition of the veteran.

(c) If BVA cannot determine from the rating decision itself whether § 3.343(a) has been considered, BVA may use a letter notifying the veteran of the reduction or subsequent statement of the case as evidence that it was considered. If it is determined that the rating decision failed to include consideration of § 3.343(a) but the statement of the case demonstrates that such failure was nonprejudicial, the error is cured. Likewise, a subsequent BVA decision may cure a failure to consider § 3.343(a) in the rating decision or failure to include it in the statement of the case if it is determined that these errors did not cause substantial prejudice to the veteran's case.

(d) If it can be shown that a regional office rating board disregarded § 3.343(a), its decision reducing the veteran's rating would be voidable.

(e) Failure to cite § 3.343(a) in a rating board decision does not render the decision void *ab initio*. Rating decisions are not required to cite all applicable laws and regulations. BVA decisions are required to include all issues and laws material to the case. Where a veteran raises a well-grounded issue, all laws or regulations necessary to properly dispose of the claim must be cited by the BVA, and failure to do so would result in a voidable Board decision.

3. An opinion by General Counsel in a



memorandum or brief to COVA sets forth the Department's position in the case in which it is filed. It has binding effect on Department officials only to the extent that the court specifically adopts the argument in its decision. In the *Swan* case, the court did adopt the legal interpretations made by the parties. These interpretations, however, did not include any consideration that the failure to take § 3.343(a) into account may constitute nonprejudicial error. Accordingly, there is room for clarification in this area and the Department is not bound to use the same argument regarding § 3.343(a) in appropriate cases in the future.

4. If an opinion or position set forth by General Counsel in argument before COVA is not expressly embraced by the court in its holding, the court's decision is not controlling precedent with respect to that position.

**EFFECTIVE DATE:** March 6, 1992.

**O.G.C. Precedent Opinion 7-92**

*Questions Presented*

1. Do the provisions of VA Adjudication Procedure Manual M21-1 (M21-1), part I, paragraph 50.45 constitute approved instructions of the Secretary which are binding on the Board of Veterans' Appeals (BVA), pursuant to 38 U.S.C. 7104(c)?

2. Do any of the provisions of M21-1, part I, paragraph 50.45 constitute "substantive rules" which are the equivalent of Department of Veterans Affairs (VA) regulations?

3. If it is determined that the provisions of M21-1, part I, paragraph 50.45 are binding on BVA:

a. What evidence is considered satisfactory proof that a veteran "engaged in combat with the enemy?"

b. Does a veteran's receipt of a particular citation or his military occupational specialty sufficiently prove combat stressor exposure for purposes of establishing service connection for post-traumatic stress disorder (PTSD)?

c. When the existence of combat service is established, or the veteran has provided a credible account of an in-service stressful event, and a mental health professional has diagnosed PTSD, under what circumstances, if any, may BVA and other VA adjudicators deny a claim for service connection for PTSD, notwithstanding a diagnosis of PTSD, on the grounds that the stressor as described by the veteran is of insufficient magnitude to support a diagnosis of PTSD?

d. Under what circumstances may BVA and other VA adjudicators challenge a medical opinion as to the relationship between an in-service stressor and current symptoms, in light of the Court of Veterans Appeals' (COVA) holding in *Wood v. Derwinski*, U.S. Vet. App. No. 89-50 (March 28, 1991)?

*Held*

The provisions of Adjudication Procedure Manual M21-1, part I, paragraph 50.45 do not constitute "instructions of the Secretary" within the meaning of 38 U.S.C. 7104(c). The second and fourth sentences of M21-1, part I, paragraph 50.45d and the change to paragraph 50.45e made by Veterans Benefits Administration (VBA) Interim Issue 21-91-1 regarding the development of evidence in cases involving post-traumatic stress disorder, constitute substantive rules which are invalid because they were not promulgated in accordance with the rulemaking procedures prescribed by 5 U.S.C. 552(a)(1), 553 and 38 CFR 1.12. Additionally, because these substantive rules were issued by the Chief Benefits Director in violation of the delegation of rulemaking power to the Secretary of Veterans Affairs pursuant to 38 U.S.C. 501, they are not binding on the Board of Veterans' Appeals or the Veterans Benefits Administration.

**EFFECTIVE DATE:** March 17, 1992.

**O.G.C. Precedent Opinion 8-92**

*Question Presented*

Does a veteran who had service in Vietnam during the Vietnam-Era and who died of service-connected non-Hodgkins lymphoma that was first diagnosed after August 13, 1981, qualify as a member or former member of the Armed Forces under section 156(c) of Public Law No. 97-377, for purposes of the Restored Entitlement Program for Survivors?

*Held*

A veteran who had service in Vietnam during the Vietnam-Era and who died of service-connected non-Hodgkins lymphoma that was first diagnosed in 1990 may be considered a former member of the Armed Forces who died from a service-connected disability incurred prior to August 13, 1981, for purposes of determining the eligibility of the veteran's survivors pursuant to section 156(c) of Public Law 97-377, for benefits under the Restored Entitlement Program for Survivors.

**EFFECTIVE DATE:** March 25, 1992.

**O.G.C. Precedent Opinion 9-92**

*Questions Presented*

1. Are the changed rating criteria for psychiatric disorders, effective February 3, 1988, a "liberalizing law, or a liberalizing VA issue" subject to the provisions of 38 CFR 3.114?

2. Do *Fletcher* and *Sabol* require a revision upward in ratings for neuropsychiatric disorders in the absence of evidence supporting a rating reduction? If so, at what percentage

levels of disability (between 0 and 100 percent)? If so, must the BVA remand cases involving ratings of neuropsychiatric disorders for the regional office to revise the rating, or may the BVA adjust the rating itself?

3. When there is no evidence, or no evidence of a change in the level of disability, before and after February 3, 1988, must the BVA find error in rating decisions which continued disability ratings at the same level? If so, to which percentage ratings (between 0 and 100 percent) would error apply?

4. When there is evidence of a change in disability, but the evidence does not demonstrate sustained improvement, so as to justify a rating reduction under 38 CFR 3.344 for cases in which the rating has been continued for a long period at the same level, must the BVA find error in rating decisions which continued disability ratings at the same level? If so, to which percentage ratings (between 0 and 100 percent) would error apply?

5. Must the BVA make a specific finding that the evidence is sufficient to permit a reduced rating, including a reduced rating under 38 CFR 3.344, in order to conclude that a rating continuing a rating in effect prior to February 3, 1988, is supported by the evidence?

*Held*

1. Where an increased rating is occasioned only by the revision of criteria for rating psychoneurotic disorders which became effective February 3, 1988, the increased rating is to be considered based on a liberalizing VA issue per 38 U.S.C. 5110(g) and 38 CFR 3.114.

2. The *Sabol* and *Fletcher* decisions do not require automatic revisions upward in psychoneurotic disability ratings, even absent any change in the evidentiary record upon which they are based. However, where the same record which was the basis for a rating of 50% under the pre-1988 criteria supports current findings of severe impairment of the ability to establish or maintain effective or favorable relationships with people and in the ability to obtain or retain employment, a rating of 70% is now warranted.

3. Consistent with the above, the Board should not automatically find error in decisions which continued pre-February 3, 1988, ratings at the same level after that date on the basis of the same evidentiary records.

4. 38 CFR 3.344 does not apply to situations in which a prior disability rating is continued despite the adoption of liberalized rating criteria in the interim.

5. If it is to affirm a post-February 3, 1988, decision continuing a rating assigned prior to that date, the Board must make factual findings supporting the rating under the current rating



criteria and, as with all its decisions, provide reasons or bases which adequately justify the findings.

Effective Date: March 25, 1992.

#### O.G.C. Precedent Opinion 10-92

##### Question Presented

May an individual who, due to reenlistment or extension, is not discharged upon completion of his or her initial obligated period of active duty, but remains on active duty and, thereafter, is discharged with other than an "honorable" discharge be eligible for chapter 30 Montgomery GI Bill benefits under section 3011(a) of that chapter where the Secretary of the military department concerned characterizes the individual's service during the initial obligated period as "honorable"?

##### Held

a. To establish entitlement to chapter 30 Montgomery GI Bill education benefits based on active-duty service pursuant to 38 U.S.C. 3011, an individual, following his or her completion of the requisite initial obligated period of active duty, must meet the pertinent service status criteria set forth in section 3011(a)(3) of that chapter. That is, the individual must either continue on active duty; be discharged therefrom with an honorable discharge; or be released from active duty characterized as honorable by the military department concerned under the specific circumstances described in subclause (C) or (D) of section 3011(a)(3).

b. The term "discharge or release," as defined for title 38 purposes by section 101(18) of that title, is not found in section 3011(a)(3). Consequently, VA's authority to administratively consider an individual to have been discharged from his or her obligated period of active-duty service and decide the character of that service, as derived from the circumstances described in section 101(18)(B), does not extend to chapter 30 determinations.

c. Section 3011(a)(3) sets forth categorical requirements that are plain and unambiguous on their face, providing no need nor basis for administrative interpretation. Such provisions exclusively govern determinations of an individual's service completion status for purposes of establishing entitlement to chapter 30 education benefits based on active-duty service under section 3011.

d. An individual who completes his or her initial obligated period of active duty but, due to extension of service or reenlistment, does not at that time receive a discharge from such period by the military department concerned and who, thereafter, is discharged with other than an "honorable" discharge does not

meet the discharge requirement of section 3011(a)(3)(B) for entitlement to chapter 30 education benefits. This is so, notwithstanding extrinsic evidence that indicates the veteran completed, though without honorable discharge, his or her initial obligated active-duty period and that the individual's performance of that duty during such period was characterized by the military department concerned as "honorable."

Effective Date: April 1, 1992.

#### O.G.C. Precedent Opinion 11-92

##### Questions Presented

a. Does a veteran's service organization representative, agent, or attorney, by virtue of having a properly executed appointment form of record, have complete authority to bind the claimant, e.g., may the party holding the power of attorney sign an application for compensation or pension, VA Form 21-526, on behalf of the claimant? Are there any forms, such as the Eligibility Verification Report, for which this authority does not exist?

b. If information relevant to eligibility or payment rates furnished on a form, signed on behalf of a claimant by a party holding a power of attorney is incorrect, is the claimant responsible for any resulting overpayment?

##### Held

a. A veteran's service organization representative, agent, or attorney is not authorized to sign an application for compensation or pension, VA Form 21-526, on behalf of the claimant despite being named in a properly executed appointment form of record. Further, the representative, agent, or attorney may not sign an Eligibility Verification Report, used to verify continued eligibility for benefits under income-based programs, on behalf of the claimant.

b. Where a claimant's or beneficiary's duly appointed representative submits erroneous information on behalf of the claimant or beneficiary pertaining to eligibility or benefit rates, the claimant is responsible for any overpayment occurring as a result of the information supplied.

Effective Date: May 14, 1992.

#### O.G.C. Precedent Opinion 12-92

##### Question Presented

Whether a claim for dependency and indemnity compensation and pension may be considered as a claim for chapter 35 benefits?

##### Held

In view of the mandates of 38 U.S.C. 5101 (a) and (b)(1), VA lacks administrative authority to promulgate a regulation or other administrative issue retroactively providing that a claim for

dependency and indemnity compensation and pension shall also be considered a claim for chapter 35 benefits.

Effective Date: May 28 1992.

#### O.G.C. Precedent Opinion 13-92

##### Question Presented

Do the provisions of 38 U.S.C. 1159 (formerly section 359) prevent a service-connected rating for a new low back disability due to degenerative arthritis under diagnostic code 5003 which has been in place for over 10 years from being modified to reflect a low-back disability due to traumatic arthritis of the lumber spine under diagnostic code 5010?

##### Held

The provisions of 38 U.S.C. 1159 (formerly section 359) do not prohibit modification of an existing service-connected rating for low-back disability due to degenerative arthritis pursuant to rating code 5003 that has been in place for over 10 years, to a rating for low-back disability due to traumatic arthritis under rating code 5010.

Effective Date: June 2, 1992.

#### O.G.C. Precedent Opinion 14-92

##### Questions Presented

a. Should VA disability compensation be offset to recoup the amount of special separation benefits received by a veteran under authority of 10 U.S.C. 1174a?

b. Should VA disability compensation be offset to recoup the amount of voluntary separation incentive payments received by a veteran under authority of 10 U.S.C. 1175, or is the Department of Defense (DoD) responsible for any recoupment of concurrent benefits?

##### Held

a. In accordance with the provisions of 10 U.S.C. 1174a and 38 CFR 3.700, VA disability compensation should be offset to recoup the amount of special separation benefits received by a former member of the armed forces.

b. VA disability compensation need not be offset when a veteran is in receipt of voluntary separation incentive payments under authority of 10 U.S.C. 1175, since any offset will be from the voluntary separation incentive.

Effective Date: June 22, 1992.

#### O.G.C. Precedent Opinion 15-92

##### Questions Presented

(a) Is the value of three properties in which the surviving spouse of a veteran holds a life estate countable in computing the net worth of the surviving spouse for purposes of determining eligibility for improved-pension benefits?

(b) If so, how should the value of three properties be determined?



**Held**

(a) Where a claimant transfers an interest in property to someone other than a relative residing in the claimant's household, retaining a life estate in the property, 38 CFR 3.276(b) requires that the transfer be disregarded in determining the claimant's net worth for improved-pension purposes because the life tenant retains an ownership interest in the property and retains exclusive possession and control over the property during his or her lifetime.

(b) The value of the property for improved-pension purposes will be computed based on the market value of the property, less mortgages and encumbrances, without regard to the purported transfer.

Effective Date: July 15, 1992.

**O.G.C. Precedent Opinion 16-92****Questions Presented**

a. Is it permissible for the Board of Veterans' Appeals (BVA) to consider evidence which has not been considered by the agency of original jurisdiction (AOJ)?

b. Is it permissible for BVA to consider issues which have not been considered by the AOJ?

c. Is it permissible for BVA to consider argument or subissues concerning a claim, or statutes, regulations, or Court of Veterans Appeals (COVA) analyses, which have not been considered by the AOJ?

d. If BVA determines that the statement of the case furnished to an appellant does not meet the requirements of 38 U.S.C. 7105(d) (formerly section 4005(d)), must BVA remand the appeal to the AOJ to cure the deficiency in the statement of the case?

**Held**

a. Statutes and VA regulations prescribe the circumstances under which the Board of Veterans' Appeals may consider evidence which has not been considered by the agency of original jurisdiction. Section 20.1304(c) of title 38, Code of Federal Regulations, generally requires that the Board refer to the agency of original jurisdiction for review evidence received by the Board following certification of an appeal unless such review is waived by the claimant or the benefit claimed may be allowed without referral. Under 38 U.S.C. 7109 and 38 CFR 20.901, certain classes of evidence, i.e., independent medical opinions and opinions of the Chief Medical Director, the General Counsel, and the Armed Forces Institute of Pathology, need not be referred to the agency of original jurisdiction, but the appellant must be given an opportunity to review and respond to such evidence before a decision is rendered.

b. Generally, the Board of Veterans'

Appeals, as an appellate body, is not authorized to make final determination on issues which have not been considered by the agency of original jurisdiction.

c. Although statutes and regulations establish the Board of Veterans' Appeals as an appellate body, nonetheless, when an appeal is certified to the Board, the Board is required to conduct a *de novo* review of the agency of original jurisdiction's benefit decision. Hence, the Board may consider arguments, subissues, statutes, regulations, or Court of Veterans Appeals analyses which have not been considered by the agency of original jurisdiction, if the claimant will not be prejudiced by its actions.

d. The Board of Veterans' Appeals need not remand an appeal to the agency of original jurisdiction to cure a deficiency in the statement of the case if the Board determines the deficiency was not prejudicial to the interests of the appellant.

Effective Date: July 24, 1992

**O.G.C. Precedent Opinion 17-92****Question Presented**

In light of 38 U.S.C. 5303A and 38 CFR 3.12a, are individuals whose original service obligation was 24 months or more but who are separated from service for the convenience of the Government with less than 24 months of active service pursuant to a reduction-in-strength program eligible for the full range of "benefits" under title 38, United States Code?

**Held**

The minimum active-duty service requirements under 38 U.S.C. 5303A and 38 CFR 3.12a for purposes of general entitlement to benefits under title 38, United States Code, are generally not fulfilled by individuals who are separated from service with less than 24 months of active service pursuant to a reduction-in-strength program. However, statutory exceptions, such as that applicable to early discharge of enlisted personnel within three months before expiration of an enlistment under 10 U.S.C. 1171 and that applicable to entitlement to certain education benefits under chapter 30 of title 38, United States Code, may apply.

Effective Date: July 31, 1992.

**O.G.C. Precedent Opinion 18-92****Question Presented**

Does a remand from the Board of Veterans' Appeals (BVA), prior to the issuance of a determination on an underlying claim, constitute a "final decision" under 38 U.S.C. 5904(c)(1) and 38 CFR 20.609(c)(1), following which an

attorney may properly obtain a fee for representing a claimant before the Department of Veterans Affairs (VA)?

**Held**

An attorney may not solicit, contract for, charge, receive or attempt to receive or solicit, a fee in connection with representation of a claimant before the Department on a benefits issue until after the BVA first issues a final decision on that claim. A determination by the BVA to remand a case prior to making a determination on the underlying claim is, pursuant to 38 CFR 20.1100(b), in the nature of a "preliminary order" and does not constitute a "final decision" subsequent to which an attorney may pursue the collection of fees for representing a claimant before the Department.

Effective Date: September 11, 1992.

By Director of the Secretary:

James A. Endicott, Jr.,

General Counsel.

[FR Doc. 92-26568 Filed 11-2-92; 8:45 am]

BILLING CODE 8320-01-M

**Privacy Act of 1974; New System of Records**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires that all agencies publish in the *Federal Register* a notice of the existence and character of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is adding a new system of records entitled "VA Police Badge and Training Records System—VA" (83VA07).

38 U.S.C. 902 authorizes the Secretary of Veterans Affairs to prescribe regulations pertaining to the training of VA police officers. The Deputy Assistant Secretary for Security and Law Enforcement is responsible for carrying out the agency's prescribed scope and duration of training for VA police officers through a centralized training program conducted at the VA Law Enforcement Training Center in Little Rock, Arkansas. The operational and administrative management of the training program is a centralized effort where records retrievable by specific personal identifiers are stored at the Training Center in Little Rock, Arkansas. All VA police officers are required to attend and pass the basic training course in order to retain their positions. This training course emphasizes aspects of security and law enforcement in a health care environment and is designed to fulfill the guidelines and standards of the Attorney General for preventing the unauthorized use of Federal law enforcement power and to provide VA police officers with the knowledge and



skills to deal successfully in situations involving patients. Specialized training courses for VA police officers are conducted as supplements to the basic training course.

The names, social security numbers and entry-on-duty dates of newly hired police officers are submitted to the Training Center by the medical facilities for course assignments. A VA police officer's failure to successfully complete the prescribed training course requires that the employing medical center withdraw statutory law enforcement and arrest authority vested in that officer. This system of records contains each VA police officer's name, social security number, badge number, date of birth, sex, examination scores and class standing, entry-on-duty date, and duty station.

A "Report of Intention to Publish a Federal Register Notice of New System of Records" and an advance copy of the new system notice have been provided to the Chairmen of the House Committee on Government Operations and the Senate Committee on Governmental Affairs, and the Director, Office of Management and Budget (OMB) as required by the provisions of 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (50 FR 52730), December 24, 1985.

Release of information from these records will only be made in accordance with the provisions of the Privacy Act of 1974 for investigatory, judicial and administrative uses. VA has determined that release of information for these purposes is a necessary and proper use of information in this system of records and that specific routine uses for transfer of this information are appropriate.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed system of records to the Secretary of Veterans Affairs (07), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before December 3, 1992, will be considered. All written comments received will be available for public consumption in Room 170 at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until December 14, 1992.

If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the Federal Register by VA, the routine use statements included herein are effective February 1, 1993.

Approved: October 8, 1992.

Anthony J. Principi,  
Acting Secretary of Veterans Affairs.

83VA07

**SYSTEM NAME:**

VA Police Badge and Training Records System—VA.

**SYSTEM LOCATION:**

VA Law Enforcement Training Center, VA Medical Center, North Little Rock, Arkansas 72114. In addition, information from these records or copies of records may be maintained at the Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

VA police officers who have attended the basic VA police training course and supplemental professional training held at the VA Law Enforcement Training Center.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains each VA police officer's name, social security number, badge number, date of birth, sex, examination scores and class standing, entry-on-duty date, and duty station.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

38 U.S.C. 501(a) and 902(2)(b)(2).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

1. In the event that a record maintained by the VA to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or pursuant thereto, the relevant records in the system of records may be referred as a routine use of the appropriate agency, whether Federal, State, local or foreign, charged with responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made to NARA (National Archives and Records Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Information is maintained on the mainframe Information Resource Management System which will subsequently be transferred to hard disk and floppy disk storage.

**RETRIEVABILITY:**

Information is retrieved by the VA police officer's name, badge number or class number.

**SAFEGUARDS:**

Information is under the control of the

Deputy Assistant Secretary for Security and Law Enforcement and staff members who have a legitimate need to know the contents of the system of records in order to perform their duties. Computer records are stored on magnetic media in a computer network to which only these individuals have access. No personal identifiers are used in statistical and management reports.

**RETENTION AND DISPOSAL:**

Records will be maintained and disposed of in accordance with the records disposal authority approved by the archivist of the United States.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Assistant Secretary for Security and Law Enforcement (07), VA Central Office, 810 Vermont Avenue, NW, Washington, DC 20420.

**NOTIFICATION PROCEDURES:**

Individuals desiring to know whether this system of records contains a record pertaining to him or her, how he or she may gain access to such a record, and how he or she may contest the content of such a record may write to the following address: Privacy Act Officer (07), Office of Security and Law Enforcement, 810 Vermont Avenue, NW., Washington, DC 20420. The following information, or as much as is available, should be furnished in order to identify the record: Name of individual, class number, or badge number in order to identify the record.

**RECORD ACCESS PROCEDURES:**

Individuals seeking information regarding access to and contesting of information contained in this system of records may write to the Privacy Act Officer whose address is as follows: Privacy Act Officer (07), Office of Security and Law Enforcement, 810 Vermont Avenue, NW., Washington, DC 20420.

**CONTESTING RECORD PROCEDURES:**

(See Record Access Procedures above).

**Record source categories:**

Personal information of name and social security numbers are furnished by medical center personnel submitting names of newly hired VA police officers for training and may be furnished or corrected subsequently by trainees themselves. The initial source of information submitted to the Department of Veterans Affairs is through the Standard Form 171 submitted by each applicant. Assigned Badge numbers for police officers are assigned by the Inspector for Training Operations of the VA Law Enforcement Training Center and entered into the record.

[FR Doc. 92-25927 Filed 11-2-92; 8:45 am]

BILLING CODE 8320-01



# Sunshine Act Meetings

Federal Register

Vol. 57, No. 213

Tuesday, November 3, 1992

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).

## INTERSTATE COMMERCE COMMISSION

Commission Conference

**TIME AND DATE:** 10:00 a.m., November 10, 1992.

**PLACE:** Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

**STATUS:** The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

### MATTERS TO BE DISCUSSED:

Finance Docket No. 32035, *Fox Valley & Western Ltd.—Exemption, Acquisition and Operation—Certain Lines of Green Bay and Western Railroad Company, Fox River Valley Railroad Corporation, and The Ahnapee & Western Railway Company*  
Finance Docket No. 32036, *Wisconsin Central Transportation Corporation, et al.—Continuance in Control—Fox Valley & Western Ltd.*

### CONTACT PERSONS FOR MORE

**INFORMATION:** Alvin H. Brown or A. Dennis Watson, Office of External Affairs, Telephone: (202) 927-5350, TDD: (202) 927-5721.

Sidney L. Strickland, Jr.,  
*Secretary.*

[FR Doc. 92-26779 Filed 10-30-92; 3:12 pm]

BILLING CODE 7503-01-M

## DEPARTMENT OF JUSTICE

### FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 2-93

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

### Date, Time, and Subject Matter

Tues., Nov. 24, 1992 at 10:30 a.m.—  
Consideration of Proposed Decisions on claims against Iran.

Hearings on the Record:

IR-1730—William Ensley and Marva Ensley

IR-0641—Darlene Hines

IR-0707—Virgil McConnell

IR-0259—Cas Nubla

Petition to Reopen:

IR-0916—Lyle Townsend

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 601 D Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 601 D Street, NW., Room 10000, Washington, DC 20579. Telephone: (202) 208-7727.

Dated at Washington, DC on October 30, 1992.

Judith H. Lock

*Administrative Officer.*

[FR Doc. 92-26793 Filed 10-30-92; 3:34 am]

BILLING CODE 4410-01-M

## NUCLEAR REGULATORY COMMISSION

**DATE:** Weeks of November 2, 9, 16, and 23, 1992.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Open and Closed.

### MATTERS TO BE CONSIDERED:

Week of November 2

*Monday, November 2*

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting)

- Final Rule on Organizational Conflicts of Interest
- Randall C. Orem, D.O.—Atomic Safety and Licensing Board Memorandum and Order Approving of Settlement Agreement and Terminating Proceeding (LBP-92-18, Docket No. 30-31758-EA)

*Tuesday, November 3*

2:00 p.m.

Briefing by Executive Branch (Closed—Ex. 1)

Week of November 9—Tentative

*Friday, November 13*

10:00 a.m.

Briefing on Proposed Method for Regulating Major Materials Licensees (Public Meeting)

(Contact: John Greeves, 301-504-3334)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting)

- Final Amendments to 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste" (Tentative)

2:00 p.m.

Briefing on Current Reactor Technical Issues, e.g. Thermo-Lag Barriers and Reactor Water Level Indicators (Public Meeting)

(Contact: Ashok Thadani, 301-504-2884)

Week of November 16—Tentative

*Friday, November 20*

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of November 23—Tentative

*Monday, November 23*

9:30 a.m.

Briefing on Progress of Design Certification Review and Implementation (Public Meeting)

(Contact: Dennis Crutchfield, 301-504-1199)

2:00 p.m.

Briefing on Rulemaking Procedures for Design Certification Under Part 52 (Public Meeting)

(Contact: Geary Mizuno, 301-504-1639)

*Tuesday, November 24*

10:00 a.m.

Briefing by OGC on Regulatory Issues and Options for Decommissioning Proceedings (Public Meeting)

(Contact: Mitzi Young, 301-504-1523)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

2:00 p.m.

Briefing on Large Release Definition (Public Meeting) (Contact: Charles Ader, 301-492-3975) (Tentative)

**Note:** Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To verify the Status of Meeting Call (Recording)—(301) 504-1292.

### CONTACT PERSON FOR MORE

**INFORMATION:** William Hill, (301) 504-1661.

Dated: October 29, 1992.

William M. Hill, Jr.,

*SECY Tracking Officer, Office of the Secretary.*

[FR Doc. 92-26730 Filed 10-30-92; 3:11 pm]

BILLING CODE 7590-01-M



This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 920531-2221]

RIN 0648-AD76

### Groundfish of the Gulf of Alaska, and Groundfish Fishery of the Bering Sea and Aleutian Islands Area

#### *Correction*

In rule document 92-22800 beginning on page 43926 in the issue of Wednesday, September 23, 1992, make the following corrections:

#### § 675.21 [Corrected]

1. On page 49395, in the third column, in § 675.21(c)(2)(ii), in the last line, "nonpelagic" should read "non-pelagic".

#### § 675.26 [Corrected]

2. On page 43936, in the second column, in § 675.26(b)(4), in the first line,

"Fishery" should read "Fishing"; and in paragraph (d)(3)(i)(A)(1), in the sixth line, "reporting" should read "reported".

BILLING CODE 1505-01-D

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## DEPARTMENT OF LABOR

### Employment and Training Administration

### Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Notice of the Annual List of Labor Surplus Areas

#### *Correction*

In notice document 92-24079 beginning on page 46050 in the issue of Tuesday, October 6, 1992, make the following corrections:

1. On page 46054, in the first column, in the sixth entry above **LOUISIANA**, after "Balance of Warren" insert "County", and in the ninth entry from the bottom "East Carroll Parish" was misspelled.

2. On the same page, in the second column, in the tenth entry from the bottom, "Attleboro Town" should read "Attleboro City" both times it appears.

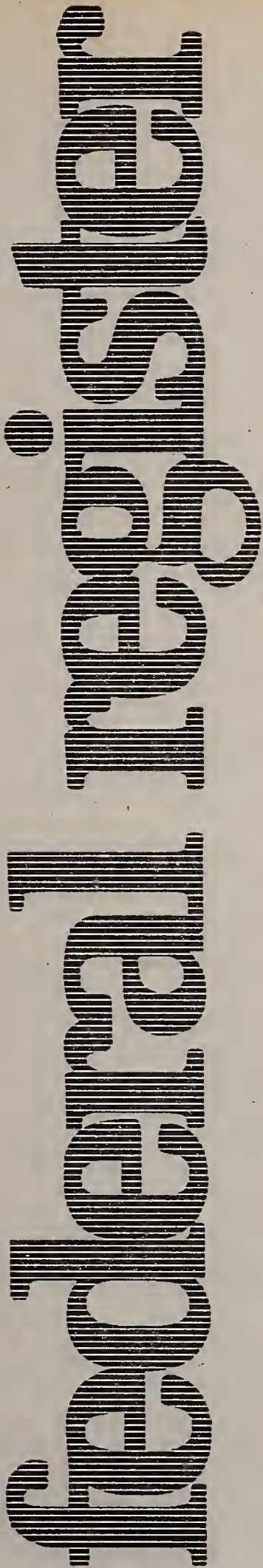
3. On page 46057, in the second column, the fifth entry under **NEW JERSEY**, "Vineland City", should be deleted and "Vineland City" should appear as part of the fourth entry, in the blank line under "Millville City".

BILLING CODE 1505-01-D



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Tuesday, November 3, 1992



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**Unified Agenda of Federal Regulations**

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**Note:** Parts VIII—LXII and Indexes appear in Books 2 and 3 of this issue.







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Tuesday  
November 3, 1992

REGULATORY  
INFORMATION  
SERVICE  
CENTER

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**Part II**

**Regulatory  
Information Service  
Center**

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**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 memoranda 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. In addition, the Office of Federal Procurement Policy Act Amendments of 1988 (41 U.S.C. 402) require the development and semiannual publication of a report on procurement regulations. The Unified Agenda helps fulfill the procurement requirement. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this Unified Agenda of Federal Regulations.

The following separate parts in this issue of the Federal Register are the agency agendas, which together comprise the October 1992 edition of the semiannual Unified Agenda of Federal Regulations.

**ADDRESSES:** Regulatory Information Service Center, Suite 500, 750 17th Street NW., Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:** For further information about specific regulatory actions, 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, (202) 634-6222, or Margaret M. Donohoe, Project Director, (202) 634-6220.

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**INTRODUCTION TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS**

**About the Unified Agenda**

The Regulatory Information Service Center (the Center) compiles the Unified Agenda of Federal Regulations for the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). 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 Executive Orders 12291 (Federal Regulation) (46 FR 13193; 3 CFR, 1981 Comp., p. 127) and 12498 (Regulatory Planning Process) (50 FR 1036; 3 CFR, 1985 Comp., p. 323). Under E.O. 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 Unified Agenda differ in several ways. The Unified Agenda includes more regulatory actions, because it covers all Federal agencies that issue regulations and includes virtually all the rulemakings they have under development. The Regulatory Program includes fewer than half of those agencies and contains only the most significant of the regulatory actions that each of those agencies plans to undertake. The Regulatory Program, however, describes each entry more thoroughly than the Unified Agenda.

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.

The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government. This edition of the Unified Agenda includes 60 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. Agencies of the United States Congress are not included. The Federal Mediation and Conciliation Service, the Institute of Museum Services, the National Capital Planning Commission, and the Office of the Federal Inspector, Alaska Natural Gas Transportation System, have published regulatory agendas in the past but have nothing to report for this edition.

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 E.O. 12291, such as those concerning military or foreign affairs functions and regulations related to internal agency management.

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the **Unified Agenda of Federal Regulations**.

In addition, Executive Order 12612 of October 26, 1987, entitled "Federalism" (3 CFR 1987 Comp., p. 252) directs executive departments and agencies to identify proposed regulatory provisions

that have significant federalism implications. As part of this effort, agencies include in their submissions for the **Unified Agenda of Federal Regulations** information on whether their regulatory actions may have an effect on various levels of government.

The Agenda also helps fulfill the statutory requirement that the Office of Federal Procurement Policy (OFPP) publish a **Procurement Regulatory Activity Report** as required by the Office of Federal Procurement Policy Act Amendments of 1988 (102 Stat. 4055; 41 U.S.C. 402). In their agendas, agencies indicate which regulatory actions are procurement-related, as well as whether or not there is a statutory requirement or a paperwork burden associated with the procurement-related actions. This procurement information is used by OFPP to produce its report.

The Unified Agenda is produced through a computer system designed and maintained 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, many agencies currently use computer terminals at their offices to enter agenda information into the Center's computer system.

All agendas contain uniform data elements -- regulation title, significance, legal authority, CFR citation, legal deadline, abstract, timetable, small entities affected, procurement, agency contact, and a unique Regulation Identifier Number. 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.

Congress generally authorizes a single Federal agency to implement, through regulation, a specific policy objective. Sometimes, however, a statute may require that several agencies issue regulations to accomplish the objective. In such cases, the agencies, working with a central coordinator, jointly publish the documents issued in the course of the rulemaking proceeding. These proceedings are referred to as Governmentwide common rules.

In this edition of the Unified Agenda, three Governmentwide common rules

are reported by the agencies participating in their development. They are:

- Debarment and Suspension
- New Restrictions on Lobbying
- Uniform Administrative Requirements for Grants and Cooperative Agreements With State and Local Governments Agencies participating in the development of these common rules have reported them in their individual parts of the Unified Agenda.

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.

#### 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 lists 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 may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.
2. Proposed Rule Stage -- actions for which agencies plan to publish a Notice of Proposed Rulemaking (NPRM) as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.
3. Final Rule Stage -- actions for which agencies plan to publish a final rule or an interim final rule or to 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.

All entries are numbered sequentially from the beginning to the end of the Agenda. The Agenda Sequence Number (Seq. No.) 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 indexes to enable readers to find entries on specific subjects.

For each agency that requests it, the Center provides 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. Sequence numbers also appear in agency Tables of Contents.

The Agenda contains three indexes. The first two indexes list the regulatory actions that agencies believe may have effects on small entities and/or levels of government. In addition, the Agenda contains a Subject Index based on the *Federal Register Thesaurus of Indexing Terms* to help readers locate entries from various agencies that may affect a particular area of interest. The index also contains cross references to assist the reader's search.

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 is included in the **Regulatory Program of the United States Government** for the current 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 (P.L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.
- CFR Citation -- the section(s) of the Code of Federal Regulations that affects or will be affected by the action.
- Legal Deadline -- an indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some "Other" action.
- Abstract -- a description of the problem the regulation will address;

the need for a Federal solution; to the extent available, the alternatives that the agency is considering to address the problem; and the potential costs and benefits of the action.

- 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, 10/00/93 means the agency can predict the month and year the action will take place but not the day it will occur.
- Small Entities Affected -- 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) and, if so, whether the small entities are businesses, governmental jurisdictions, and/or organizations.
- Government Levels Affected -- indicates whether the rule is expected to affect levels of government and, if so, whether the governments are local, State, and/or Federal.
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.
- Procurement -- a statement identifying procurement-related actions and indicating whether there is a statutory requirement for the action and whether or not there is a paperwork burden associated with the action. The Procurement heading appears only if the entry is a procurement-related action.

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 August 21, 1992, in the judgment of the submitting agencies, except as otherwise noted in

individual agency preambles. Where applicable, individual actions will be subject to review for compliance with E.O. 12291, the Regulatory Flexibility Act, the Office of Federal Procurement Policy Act Amendments of 1988, and the Paperwork Reduction Act at appropriate points in the regulatory process.

#### 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. The ANPRM describes the general area that may be subject to regulation and usually asks 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 notice of proposed rulemaking.

**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 subject to Federal regulation. 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 issued by Federal departments and agencies.

**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 2-year life of each Congress; for example, PL 102-5 is the fifth public law of the 102nd Congress.

RFA -- A Regulatory Flexibility Analysis 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 E.O. 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 E.O. 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 Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Agenda. Many agencies include RIN

numbers in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**.

Seq. No. -- An Agenda Sequence Number identifies entries in the Agenda's indexes.

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.

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Dated: October 28, 1992.

Mark G. Schoenberg,

*Executive Director.*

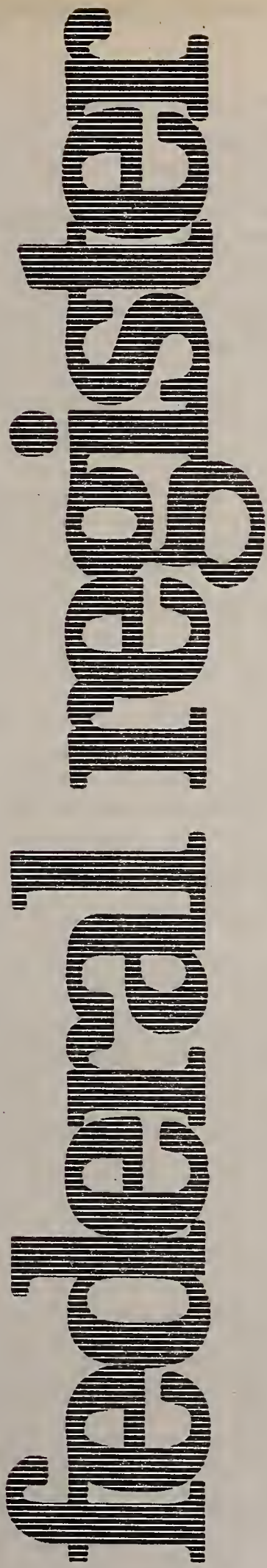
[FR Doc. 92-24618 Filed 11-02-92; 8:45 am]

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**Tuesday  
November 3, 1992**

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**Part III**

**Department of  
Agriculture**

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**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,  
October 1992

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

**SUMMARY:** This agenda provides summary descriptions of major and nonmajor 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.

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 147-E, Administration Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-1272.

Dated: September 4, 1992.

Marvin J. Shapiro,

Chief, Legislative, Regulatory, and Automated Systems Division.

## Agricultural Marketing Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1	National Laboratory Accreditation Program .....	0581-AA38
2	Organic Certification of Organic Food Production Act of 1990 .....	0581-AA40
3	Amendment to Cotton Board Rules and Regulations.....	0581-AA63
4	Requirements for Applicants for Service to launder or provide outer frocks to Federal Meat Graders.....	0581-AA79

## Agricultural Marketing Service—Proposed Rule Stage

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5	Review of Pricing Provisions in All Federal Milk Marketing Orders.....	0581-AA37
6	Establish a Processor-Funded Milk Promotion Program .....	0581-AA44
7	Revision of Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products.....	0581-AA45
8	Regulations Under the Federal Seed Act.....	0581-AA52
9	Mandatory Inspection of Eggs and Egg Products .....	0581-AA55
10	Policy Statement and Regulations Governing Availability of Tobacco Inspection Services to Burley Tobacco on Designated Markets .....	0581-AA56
11	Review of Basic Formula Price in All Federal Milk Orders.....	0581-AA57
12	Voluntary Inspection of Egg Products and Grading .....	0581-AA58
13	Egg Research and Promotion Rules and Regulations.....	0581-AA59
14	Grading of Shell Eggs.....	0581-AA60
15	Voluntary Grading of Poultry Products and Rabbit Products .....	0581-AA61
16	Fees and Charges, Mandatory Tobacco Inspection .....	0581-AA62
17	Revision of User Fees for Cotton Classification, Testing and Standards.....	0581-AA75
18	Reapportionment of Directors for the Cattlemen's Beef Promotion and Research Board .....	0581-AA76
19	Procedures for Conduct of Soybean Referendum .....	0581-AA77
20	Rules of Practice Governing Proceedings on Petitions to Modify or to be Exempted from the Soybean Promotion and Research Order.....	0581-AA78
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22	Agency Reorganization of Analytical Testing Services.....	0581-AA85



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24	Fee Increase for Dairy Grading Program.....	0581-AA42
25	Mushroom Promotion, Research, and Consumer Information Order.....	0581-AA49
26	Revision of Grade Standards for American Upland Cotton.....	0581-AA65
27	Milk for Manufacturing Purposes and Its Production and Processing; Requirements Recommended for Adoption by State Regulatory Agencies.....	0581-AA70
28	Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards).....	0581-AA71
29	Increase in Fees and Charges for Egg Products Inspection and Egg, Poultry, and Rabbit Grading.....	0581-AA72

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31	Pecan Promotion and Research Order.....	0581-AA50
32	Revision of User Fees.....	0581-AA64

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34	Excessive Manufacturing (Make) Allowances in State Marketing Orders for Milk.....	0560-AC23
35	1993-Crop Peanuts National Poundage Quota.....	0560-AC60
36	1993 Extra Long Staple (ELS) Cotton Loan Rate and Acreage Reduction Program.....	0560-AC64
37	1993 Wool and Mohair Program.....	0560-AC65
38	Common Provisions for the 1994 Wheat, Feed Grain, Cotton, and Rice Programs.....	0560-AC74
39	1994 Wheat Loan Rate and Acreage Reduction Program.....	0560-AC75
40	1991-95 Crops Sugar Beet and Sugarcane Program.....	0560-AC76
41	1993-Crop Marketing Quotas for Five Kinds of Tobacco.....	0560-AC81
42	Amendment to the Highly Erodible Land and Wetland Conservation Program Regulations—Person Determinations.....	0560-AC86
43	Amendments to the Sugar Marketing Assessment Regulations.....	0560-AC91
44	Highly Erodible Land and Wetland Conservation: Definition of Prior Converted Cropland.....	0560-AC94
45	Amendments to the Production Adjustment Regulations—Reconstitution of Bases, Allotments and Quotas.....	0560-AC99
46	Pilot Voluntary Production Limitation Program.....	0560-AD00
47	Amendments to the Payment Limitation Regulations—"Actively Engaged" Determinations.....	0560-AD01
48	1994 Feed Grain Loan Rates and Acreage Reduction Levels.....	0560-AD02
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51	1992-Crop Marketing Quotas for Five Kinds of Tobacco.....	0560-AC40
52	1992-Crop Price Support Levels for Six Kinds of Tobacco.....	0560-AC41
53	1992-Crop Peanuts National Poundage Quota.....	0560-AC42
54	National Average Loan Rates for 1992-Crop Quota and Additional Peanuts and Minimum Commodity Credit Corporation (CCC) Export-Edible Sales Price for Additional Peanuts.....	0560-AC43
55	1993 Feed Grain Loan Rates and Acreage Reduction Levels.....	0560-AC54
56	1992 CCC Cotton Loan Program Regulations—Bale Packaging Materials.....	0560-AC55
57	Adjusted World Market Prices (AWPs) for Upland Cotton and Rice—Timing of Announcement.....	0560-AC59



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## Agricultural Stabilization and Conservation Service—Final Rule Stage—Continued

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61	1993 Oilseed Program.....	0560-AC68
62	1993 Wheat Loan Rate and Acreage Reduction Program.....	0560-AC69
63	Farmer-Owned Reserve (FOR) Program for the 1992 Crop of Wheat.....	0560-AC70
64	Farmer-Owned Reserve (FOR) Program for the 1992 Crop of Feed Grains.....	0560-AC71
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67	1993-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco.....	0560-AC79
68	1993-Crop Marketing Quota and Price Support Level for Burley Tobacco.....	0560-AC80
69	1993-Crop Price Support Levels for Six Kinds of Tobacco.....	0560-AC82
70	Amendments to the Poundage Quota Regulations for the 1991-95 Crops of Peanuts.....	0560-AC84
71	Amendments to the Wetlands Regulation Regarding Abandoned Acreage and Drainage by Drainage District.....	0560-AC92
72	Amendment to the Conservation Reserve Regulations Regarding Small Wetlands.....	0560-AC93
73	General Price Support Regulations for Grain, Rice, Oilseeds, Cotton, and Honey for the 1991-95 Crops.....	0560-AC95
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78	1992 Feed Grain Loan Rates and Acreage Reduction Levels.....	0560-AC31
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80	1992 Upland Cotton Loan Rate and Acreage Reduction Level.....	0560-AC33
81	1992 Wool and Mohair Program.....	0560-AC34
82	Farmer-Owned Reserve (FOR) Program for the 1991 Crop of Feed Grains.....	0560-AC36
83	1992 Oilseed Program.....	0560-AC37
84	1992-Crop Marketing Quota and Price Support Level for Burley Tobacco.....	0560-AC38
85	1992-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco.....	0560-AC39
86	1992 Extra Long Staple (ELS) Cotton Loan Rate and Acreage Reduction Level.....	0560-AC44
87	Common Provisions for the 1992 Wheat, Feed Grain, Cotton, and Rice Programs.....	0560-AC56
88	Sugar and Crystalline Fructose Information Reporting and Recordkeeping Requirements.....	0560-AC58
89	Upland Cotton Marketing Certificate Provisions.....	0560-AC62
90	Applicability of the Regulations Governing Reductions in the Price of Milk Marketed by Producers, January 1, 1991 through December 31, 1995.....	0560-AC67
91	1992-93 Marketing Year Penalty Rate for All Kinds of Tobacco Subject to Quotas.....	0560-AC77
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93	Amendments to the Rice Program Regulations Regarding Announcement Time of the Adjusted World Price and Calculation of Loan Deficiency Payment Rates.....	0560-AC85
94	Amendments to the Price Support Loan Program Regulations for 1991-1995 Crops of Sugar Beets and Sugarcane ...	0560-AC88
95	1990- and 1991-Crop Disaster Program.....	0560-AC89
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105	Gypsy Moth.....	0579-AA39
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123	Biotechnology Risk Assessment Research Grants Program; Administrative Provisions.....	0524-AA05



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## Cooperative State Research Service—Completed Actions

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## Federal Crop Insurance Corporation—Proposed Rule Stage

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## Federal Crop Insurance Corporation—Final Rule Stage

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## Federal Crop Insurance Corporation—Completed Actions

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237	Determination of Eligibility for Free Meals by Summer Food Service Program Sponsors and Free and Reduced Price Meals by Child and Adult Care Food Program Institution.....	0584-AB17
238	Adult Meal Pattern for the Child and Adult Care Food Program.....	0584-AB18
239	Summer Food Service Program: Child Nutrition and WIC Reauthorization Act Amendments.....	0584-AB20
240	Meal Supplements in the National School Lunch Program.....	0584-AB24
241	Food Distribution Programs—Implementation of the Hunger Prevention Act of 1988.....	0584-AB25
242	Food Distribution Programs—Commodity Distribution Reform.....	0584-AB26



## USDA

## Food and Nutrition Service—Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
243	Benefit Delivery Rule.....	0584-AB32
244	Permanent Agreements/Direct Certification in National School Lunch, School Breakfast and Special Milk Programs..	0584-AB35
245	Special Supplemental Food Program for Women, Infants and Children (WIC): Food Package for Breastfeeding Women.....	0584-AB36
246	Provisions of the Stewart B. McKinney Homeless Assistance Act and a Provision of the Food Security Act of 1985 ...	0584-AB42
247	WIC Farmers' Market Nutrition Program .....	0584-AB43
248	National School Lunch Program, Special Milk Program for Children, and School Breakfast Program: Coordinated Review Effort.....	0584-AB44
249	Administrative Improvement and Simplification Provisions from the Hunger Prevention Act of 1988.....	0584-AB45

## Food and Nutrition Service—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
250	Food Stamp Program: Limit the Number of Shipping Points in Each State to One, and Require States To Submit Only One Coupon Order Per Month for the Needs of the Entire State.....	0584-AA94
251	Food Stamp Program: Introduction of \$20 Coupons for Issuing Benefits and Allowing the Use of More Than One Coupon Denomination for Changemaking in Food Stamp Transactions.....	0584-AA95
252	Employment and Training Provisions From the Mickey Leland Memorial Domestic Hunger Relief Act .....	0584-AB04
253	Food Stamp Program: Good Cause Relief From Quality Control Error Rate Liabilities .....	0584-AB05
254	Participation of the Homeless in the Special Supplemental Food Program for Women, Infants and Children (WIC).....	0584-AB12

## Food Safety and Inspection Service—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
255	Amenability of Specific Poultry Species Under the Poultry Products Inspection Act.....	0583-AB29

## Food Safety and Inspection Service—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
256	Sulfonamide and Antibiotic Residues in Young Veal Calves; Revised Testing Program .....	0583-AA68
257	Use of Sorbitol as a Flavoring Agent in Specific Meat Products.....	0583-AA79
258	Sodium/Potassium Lactate as Means of Reducing Certain Pathogenic Microorganisms in Specific Meat and Poultry Products.....	0583-AA83
259	Ante-Mortem Inspection of Disabled Animals on Transport Vehicles.....	0583-AA98
260	Food Additives and GRAS Substances Used as Ingredients in Meat Food and Poultry Products.....	0583-AB02
261	Poultry Post-Mortem Inspection System.....	0583-AB03
262	Export Certification Procedures.....	0583-AB04
263	Use of Tricalcium Phosphate as a Sequestrant in Mechanically Deboned Chicken .....	0583-AB09
264	Use of Compressed Air in Boning Operations .....	0583-AB13
265	Processing, Distribution, Storage, and Retail Handling of Ready-to-Eat, Uncured, Perishable Meat and Poultry Products Packaged in Sealed Containers .....	0583-AB14
266	Use of Ascorbic Acid, Erythorbic Acid, Citric Acid, Sodium Citrate, and Sodium Ascorbate in Fresh Beef and Lamb....	0583-AB15
267	Use of Citric Acid as a Color Preservative on the Surface of Cured Meat Cuts.....	0583-AB20
268	Notification of Residue Violators and Testing of Subsequent Shipments of Animals.....	0583-AB32
269	Smoke Flavorings and Artificial Smoke Flavorings.....	0583-AB36
270	Requirements for Imported Poultry Products.....	0583-AB42
271	User Fees for Laboratory Accreditation.....	0583-AB49
272	Prior Label Approval Process.....	0583-AB50
273	Substitute Products Identified By Standardized Terms and Nutrient Content Claims.....	0583-AB51
274	Prominent Labeling Disclosures on Meat and Poultry Products.....	0583-AB53



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## Food Safety and Inspection Service—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
275	License or Other Authorization for Federal Poultry Inspection.....	0583-AB54
276	Use of Carbon Dioxide in the Humane Slaughter of Swine.....	0583-AB57
277	United States-Canada Meat and Poultry Reinspection.....	0583-AB61

## Food Safety and Inspection Service—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
278	Requirements for Foreign Country Import Certification and Live Animal Importation.....	0583-AA47
279	Use of Sodium Lactate and Potassium Lactate as Flavor Enhancers in Meat and Poultry Products.....	0583-AA75
280	Increase in Use Levels of Sodium Citrate as an Anticoagulant.....	0583-AA76
281	Processing Procedures and Cooking Instructions for Cooked, Uncured Meat Patties.....	0583-AA81
282	PFF for Turkey Ham.....	0583-AA84
283	Imported Canadian Product; Provision for "Streamlined" Inspection Procedures; Exemption From Official Mark of Inspection.....	0583-AA99
284	Policy for Differentiating Between Calves and Adult Cattle.....	0583-AB18
285	Use of Tocopherols as Antioxidants and Citric Acid as a Synergist in Various Meat Products.....	0583-AB25
286	Nutrition Labeling of Meat and Poultry Products.....	0583-AB34
287	Listing of Minor Ingredients in Other Than Order of Predominance.....	0583-AB37

## Food Safety and Inspection Service—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
288	Sulfonamide Residues in Swine.....	0583-AA31
289	Alternative Methods of Cattle Slaughter/Slaughter Quality Control.....	0583-AA32
290	Use and Protection of Approved Water Systems.....	0583-AA54
291	Labeling of Meat Food Products That Contain Mechanically Separated (Species) Under Certain Circumstances.....	0583-AA71
292	Requirements for the Production of Fermented Sausage.....	0583-AA77
293	Use of Various Binders in Cured Pork Products.....	0583-AA78
294	Cross-Contamination Prevention for All Heat Processed Meat and Poultry Products.....	0583-AA88
295	Substances Approved for Use in Meat Products—Revision of Listings.....	0583-AA93
296	Finished Product Inspection.....	0583-AA95
297	Review of Retail Store Inspection Exemptions.....	0583-AA96
298	Processing Requirements for Dried Ready-to-Eat Meat and Poultry Products.....	0583-AA97
299	Jar Closure Requirements.....	0583-AB00
300	Requirements for a Pest Control Program; Approval of Nonfood Compounds.....	0583-AB08
301	Undenuded Beef Stomachs; Finished Product Standards and Manufacturing and Inspection Procedures.....	0583-AB11
302	Additional Methods for Destroying Trichinae in Dry-Cured Ham and Dry-Sausage.....	0583-AB17
303	Heat Processing Procedures; Cooking Instructions and Cooling, Handling and Storage Requirements for Uncured Comminuted Meat and Poultry Products.....	0583-AB19
304	Irradiation of Poultry.....	0583-AB27
305	Poultry Products Containing Pork; Trichina Treatment.....	0583-AB28
306	Removal of Piece Size Requirements and Packaging Limitations of Imported Fresh or Cured Meat and Meat Products.....	0583-AB31
307	Requirements for Effective Establishment Sanitation.....	0583-AB33
308	Administrative Practices and Procedures.....	0583-AB35
309	Control of Direct Entry From Outside to Product Preparation Area.....	0583-AB38
310	Imported Product: Facility Requirements.....	0583-AB39
311	Conditions for Use of Truck Trailers, Railroad Boxcars, and Shipboard Containers as Refrigeration and/or Dry Storage Facilities.....	0583-AB40
312	Limitation on the Use of Strip Doors in Product Preparation Areas.....	0583-AB41
313	Separation of Federally Inspected Establishments From Other Adjacent Facilities Not Under Federal or State Inspection.....	0583-AB43
314	Approval of Reuse of Water in Federally Inspected Establishments.....	0583-AB44
315	Prohibiting Vinyl Flooring and Coving in Certain Areas of Federally Inspected Establishments.....	0583-AB45



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## Food Safety and Inspection Service—Completed Actions—Continued

Se- quence Number	Title	Regulation Identifier Number
316	Restrictions on the Storage and Handling of Immediate-Container Packaging Materials Used for Meat and Poultry Products.....	0583-AB46
317	Use of New Technologies in Red Meat Slaughter Establishments.....	0583-AB48
318	Exemption of Pizzas Containing Meat or Poultry Product.....	0583-AB52
319	Restoration of Nicaragua to the List of Countries Eligible to Import Meat Products Into the United States.....	0583-AB59
320	Imported Product: Addition of Croatia and Slovenia to the List of Eligible Countries.....	0583-AB60

## Foreign Agricultural Service—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
321	Program Criteria for the Sunflowerseed Oil Assistance Program (SOAP) and the Cottonseed Oil Assistance Program (COAP).....	0551-AA31
322	Reporting Requirements Related to Tobacco Exports.....	0551-AA32

## Foreign Agricultural Service—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
323	Proposed Regulations Governing Implementation of the Cooperator Market Development Program Overseas.....	0551-AA26
324	Section 22 Import Quotas.....	0551-AA27
325	Regulations Governing the Financing of Commercial Sales of Agricultural Commodities.....	0551-AA36

## Foreign Agricultural Service—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
326	Regulations Governing Implementation of the Market Promotion Program (MPP) Overseas.....	0551-AA24
327	CCC Export Credit Guarantee Program (GSM-102) and CCC Intermediate Export Credit Guarantee Program (GSM-103).....	0551-AA30
328	Sunflowerseed Oil Assistance Program Operations (SOAP) and Cottonseed Oil Assistance Program Operations (COAP).....	0551-AA33
329	Direct Credit Programs (GSM-5, GSM-201, GSM-301) Regulations.....	0551-AA34
330	Emerging Democracies Agricultural Facility Guarantee Program.....	0551-AA35

## Foreign Agricultural Service—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
331	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
332	Program Criteria for the Export Enhancement Program (EEP) and the Dairy Export Incentive Program (DEIP) and the Operational Regulations for the DEIP.....	0551-AA29



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## Forest Service—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
333	Use of "Smokey Bear" Symbol.....	0596-AA66
334	Whiskeytown-Shasta-Trinity National Recreation Area.....	0596-AA68
335	Change Emphasis Away From Residual Value Appraisal to Transaction Evidence Appraisal As the Prime Method of Appraising National Forest Timber.....	0596-AB26

## Forest Service—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
336	Grazing and Livestock Use.....	0596-AA35
337	Prohibition on Mechanical Transport and Other Activities in Wilderness.....	0596-AA39
338	Application Procedures and Fees for Hydroelectric Uses on National Forest System Lands.....	0596-AA47
339	Locatable Minerals.....	0596-AA49
340	National Forest Prohibitions; Law Enforcement Support Activities.....	0596-AA75
341	Revise Small Tracts Act Regulations.....	0596-AA79
342	Revise Rules Governing Special Uses of National Forest System Lands and Resources at 36 CFR 251 To Remove Ambiguities Regarding First Amendment Rights.....	0596-AA80
343	36 CFR 241 Wildlife: Cooperation in Wildlife Protection, Wildlife Management, and Federal Refuge Regulations.....	0596-AA81
344	Hells Canyon National Recreation Area—Private Lands.....	0596-AA88
345	Irrevocable Letter of Credit.....	0596-AA93
346	Disposal of Quartz Minerals on the Ouachita National Forest.....	0596-AB01
347	Pre-Award Information Requirements.....	0596-AB03
348	Expanded Use of Prospecting Permits and Preference Right Sales for Mineral Materials.....	0596-AB12
349	Clarification and Revision of Appealable Decisions Under 36 CFR Part 251, Subpart C.....	0596-AB17
350	Land and Resource Management Planning.....	0596-AB20
351	Government Cancellation of Timber Sale Contracts.....	0596-AB21
352	Species Surplus to Domestic Manufacturing Needs.....	0596-AB27
353	Retention of Downpayment on Timber Sale Contracts.....	0596-AB28
354	Proposed Policy National Forest System Land and Resource Management Planning Forest Service Manual (FSM 1920).....	0596-AB31
355	Use of Fixed Anchors for Rock Climbing in Wilderness.....	0596-AB33
356	Special-Use Applications and Administration of Special-Use Authorizations.....	0596-AB35

## Forest Service—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
357	Improving Financial Security of Timber Sale Contracts.....	0596-AA33
358	Land Exchanges.....	0596-AA42
359	Indian Allotments on National Forest System Lands.....	0596-AA52
360	Surety Bond Form Revision.....	0596-AA94
361	Federal Cave Resources Protection.....	0596-AB02
362	National Environmental Policy Act Revised Implementing Policy and Procedures.....	0596-AB05
363	Recreation Residence Authorization Policy.....	0596-AB06
364	Hells Canyon National Recreation Area—Use of National Forest Lands.....	0596-AB08
365	Federal Timber Export and Substitution Restrictions (Comprehensive Revision).....	0596-AB22
366	Below-Cost Timber Sale Program Policy and Guidelines.....	0596-AB24
367	Review and Comment on National Forest Plans and Project Decisions.....	0596-AB30
368	State and Private Forestry Assistance Stewardship Incentive Program.....	0596-AB32
369	Viability of Species in Forest Planning.....	0596-AB34



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## Forest Service—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
370	Collection of Reimbursable Costs for Processing Special-Use Application and Administration of Special-Use Authorizations.....	0596-AA36
371	Intervention in Appeals.....	0596-AB15
372	Improving Financial Security of Timber Sale Contracts.....	0596-AB18

## Office of Finance and Management—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
373	Audits of Institutions of Higher Education and Other Nonprofit Organizations.....	0505-AA07
374	Audits of State, Local, and Indian Tribal Governments.....	0505-AA09

## Office of the Secretary—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
375	Food Stamp Program: Forfeiture and Denial of Property Rights.....	0503-AA07

## Office of the Secretary—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
376	Employee Responsibilities and Conduct.....	0503-AA05

## Office of the Secretary—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
377	Small or Limited Resource Farmers' Initiative.....	0503-AA04

## Rural Electrification Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
378	Loan Security Documents—Telephone Program.....	0572-AA30
379	Credit Support of Power Supply Borrowers.....	0572-AA39
380	Revision of Telecommunication Policies and Procedures for Approval of Standards, Specifications, Contract Forms, and Drawings.....	0572-AA45
381	Rural Business Incubator Project.....	0572-AA46
382	Electric System Construction Policies and Procedures—Electric Materials and Construction.....	0572-AA47
383	Electric System Planning and Design—Policies and Procedures.....	0572-AA48
384	Margin Stabilization Plans and Revenue and Expense Deferrals.....	0572-AA50
385	REA Specification for Filled Telephone Cables with Expanded Insulation.....	0572-AA56
386	REA Specification for Filled Buried Wires.....	0572-AA57
387	General Specification for Digital, Stored, Program Controlled Central Office Equipment.....	0572-AA58



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## Rural Electrification Administration—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
388	Specification for Fiber Optic Splice Closures.....	0572-AA62
389	REA Software License Agreement.....	0572-AA63
390	REA Specification for Mechanical Fiber Optic Splices.....	0572-AA64
391	Loan Account Computations, Policies, and Procedures.....	0572-AA65
392	Electric Standards and Specifications for Materials and Construction.....	0572-AA67
393	Pre-Loan Policies and Procedures for Insured Electric Loans.....	0572-AA69
394	Post-Loan Policies and Procedures Common to Insured and Guaranteed Electric Loans.....	0572-AA70
395	Post-Loan Policies and Procedures Common to Insured and Guaranteed Electric Loans.....	0572-AA71
396	REA Performance Specification for Line Concentrators.....	0572-AA72
397	REA Buy American Requirement.....	0572-AA73
398	Electric Systems Operations and Maintenance.....	0572-AA74
399	Civil Rights Policies Applicable to REA Borrowers.....	0572-AA75
400	Loan Documents- Telephone Loan Program.....	0572-AA76
401	Standards and Specifications for Timber Products Acceptable for use on REA Financed Electric and Telephone Systems.....	0572-AA77
402	Borrower Investments- Telephone Loan Program.....	0572-AA78
403	Depreciation Rates and Procedures.....	0572-AA80
404	Seismic Safety of New Building Construction.....	0572-AA81
405	Specification for Filled Fiber Optic Cables.....	0572-AA82
406	Specification for Pole Line Hardware.....	0572-AA83
407	Electric System Construction Policies and Procedures.....	0572-AA84

## Rural Electrification Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
408	REA Form 525: Central Office Equipment Contract (Including Installation).....	0572-AA20
409	Accounting Requirements for REA Electric Borrowers.....	0572-AA23
410	Wholesale Contracts for the Purchase and Sale of Electric Power and Energy.....	0572-AA41
411	REA Specification for Filled Telephone Cables.....	0572-AA55
412	Pre- and Post-Loan Policies and Procedures for Guaranteed Electric and Telephone Loans.....	0572-AA59
413	Loan Payment Deferments for Economic Development Programs.....	0572-AA60
414	Rescission of REA Bulletins 345-13 and 345-29.....	0572-AA66
415	Pre- and Post-Loan Policies and Procedures for Guaranteed Electric and Telephone Loans.....	0572-AA68
416	Distance Learning and Medical Link Programs.....	0572-AA79

## Rural Electrification Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
417	Rural Economic Development Loan and Grant Program.....	0572-AA37

## Soil Conservation Service—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
418	Farmland Protection Policy Act.....	0578-AA14



USDA

Soil Conservation Service—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
419	Soil Surveys.....	0578-AA00

Office of Operations—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
420	Agriculture Acquisition Regulation.....	0599-AA00

Office of Operations—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
421	New Restrictions on Lobbying.....	0599-AA01
422	Vending Facilities Operated by Blind Persons in USDA-Controlled Buildings.....	0599-AA02

DEPARTMENT OF AGRICULTURE (USDA)  
Agricultural Marketing Service (AMS)

Prerule Stage

**1. NATIONAL LABORATORY ACCREDITATION PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** PL 101-624, sec 1321 to 1330; 7 USC 138 to 138i

**CFR Citation:** Not applicable

**Legal Deadline:** None

**Abstract:** The 1990 Farm Bill authorized the creation of a National Laboratory Accreditation Program (NLAP) for laboratories that request accreditation and conduct residue testing of agricultural products or that make claims to the public or buyers of agricultural products concerning chemical residue levels on agricultural products. The program is designed to protect human health by ensuring that laboratories which make claims to the public concerning pesticide residue levels meet minimum quality and reliability standards. The standards for the NLAP will be provided by the Food and Drug Administration with the operation of the program under the Agricultural Marketing Service, USDA. The program costs will be offset by a

fee schedule. The one-time appropriation will be used to provide for a fully equipped pesticide laboratory to verify the findings of those laboratories applying for accreditation.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Public Compliance Cost:** Initial Cost: \$600,000; Base Year for Dollar Estimates: 1992

**Sectors Affected:** Multiple

**Agency Contact:** Craig A. Reed, Director, Science Division, Department of Agriculture, Agricultural Marketing Service, Room 3064 South Building, Washington, DC 20090-6456, 202 720-5231

**RIN:** 0581-AA38

**2. ORGANIC CERTIFICATION OF ORGANIC FOOD PRODUCTION ACT OF 1990**

**Significance:** Agency Priority

**Legal Authority:** PL 101-624, sec 2101 to 2123; 7 USC 6501 to 6522

**CFR Citation:** None

**Legal Deadline:** NPRM, Statutory, May 28, 1992. Final, Statutory, October 1, 1993. Other, Statutory, May 28, 1991. Act calls for the Secretary to appoint the National Organic Standards Board 180 days after enactment and convene it within 60 days thereafter.

**Abstract:** Public Law 101-624 calls for necessary regulations to implement the Organic Foods Production Act of 1990. The legislation calls for a national program to develop standards for certifying products as organic. Actions called for under this Act include: (a) notice for applicants to apply for membership on the National Organic Standards Board; (b) notice of nominations to the Board and announcement of meetings; (c) notice inviting States and other individuals to



## USDA—AMS

## Prerule Stage

apply to be Certifying agents; (d) notice, hearings and comments for development of regulations for standards for organic livestock products; (e) notice and comment on proposed and final National List of Approved and Prohibited Substances for Organic Production and Handling; (f) notice and comment on proposed amendments to the National List; (g) issue a proposed rule to implement the title for comment; and (h) issue a final rule to implement the program.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined		
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**Small Entities Affected:** Organizations

**Government Levels Affected:** State

**Agency Contact:** Harold S. Ricker, Assistant Director, Transportation and Marketing Division, Department of Agriculture, Agricultural Marketing Service, Room 4006 South Building, PO Box 96456, Washington, DC 20090-6456, 202 720-2704

**RIN:** 0581-AA40

### 3. ● AMENDMENT TO COTTON BOARD RULES AND REGULATIONS

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2101

**CFR Citation:** 7 CFR 1205

**Legal Deadline:** None

**Abstract:** The objective of the proposal is threefold. The first is to lower the supplemental assessment according to the request of the Cotton Board on behalf of the cotton industry. The second objective is to modify the value of imported cotton promulgated in the regulation for the purpose of assessments on imported cotton. The third objective is to remove the reference to de minimis value of cotton from section 1205.203.

**Timetable:**

Action	Date	FR Cite
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ANPRM	10/00/92	
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Craig Shackelford, Asst. Chief, Research and Promotion Staff, Department of Agriculture, Agricultural Marketing Service, Room 2641 South Building, 14th and Independence Avenue SW., Washington, DC 20250, 202 720-2259

**RIN:** 0581-AA63

### 4. ● REQUIREMENTS FOR APPLICANTS FOR SERVICE TO LAUNDRER OR PROVIDE OUTER FROCKS TO FEDERAL MEAT GRADERS

**Legal Authority:** 7 USC 1621 et seq Agricultural Marketing Act 1946, as amended

**CFR Citation:** 7 CFR 54

**Legal Deadline:** None

**Abstract:** The purpose of the proposed regulation is to require applicants for Federal meat grading and certification services to launder or provide outer frocks to Federal meat graders. The agency has determined that applicants for service should bear the cost of laundering outer frocks which Federal meat graders are required to wear. Presently this expense is borne by individual graders. The expected cost to applicants is minimal as they currently launder their employee's outer wear.

**Timetable:**

Action	Date	FR Cite
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ANPRM	00/00/00	
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**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Public Compliance Cost:** Initial Cost: \$0; Yearly Recurring Cost: \$0

**Agency Contact:** Larry R. Meadows, Chief, Meat Grading and Certification Branch, Department of Agriculture, Agricultural Marketing Service, P.O. Box 96456, Washington, DC 20090, 202 720-1246

**RIN:** 0581-AA79

## DEPARTMENT OF AGRICULTURE (USDA)

## Proposed Rule Stage

### Agricultural Marketing Service (AMS)

#### 5. REVIEW OF PRICING PROVISIONS IN ALL FEDERAL MILK MARKETING ORDERS

**Significance:** Agency Priority

**Legal Authority:** 7 USC 601 to 674

Agricultural Marketing Agreement Act

**CFR Citation:** 7 CFR 1001 to 1139

**Legal Deadline:** None

**Abstract:** To consider proposed amendments to the Class I milk price, Class II milk price, classification of milk products, and reconstituted milk provisions of all milk orders. Certain of these provisions have not been reviewed at a hearing for many years.

**Timetable:**

Action	Date	FR Cite
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Advance Notice for Proposals Submit Proposed Amendments by May 31, 1990	04/03/90	55 FR 12369
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Notice of Hearing	07/17/90	55 FR 29034
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Public Hearing	09/15/90	
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Public Hearing on Amendments Ends	11/20/90	
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Comment Period Extended to 04/30/91	04/03/91	56 FR 13603
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Action	Date	FR Cite
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Recommended Decision	11/22/91	56 FR 58972
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Clayton H. Plumb, Chief, Order Formulation Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Bldg., Washington, DC 20250, 202 720-6274

**RIN:** 0581-AA37



## USDA—AMS

## Proposed Rule Stage

**6. ESTABLISH A PROCESSOR-FUNDED MILK PROMOTION PROGRAM****Significance:** Agency Priority**Legal Authority:** PL 101-624, Sec 1999(A); 7 USC 6401 to 6417**CFR Citation:** None**Legal Deadline:** Other, Statutory. A final order, if approved by fluid milk processors, shall become effective not later than 180 days following publication of the proposed order.**Abstract:** The "Fluid Milk Promotion Act of 1990," authorized the establishment of a processor-funded milk promotion program which will provide an orderly procedure for developing, financing through assessments on fluid milk products produced in the United States, and carrying out a coordinated program of advertising designed to strengthen the position of the dairy industry in the market place.**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** John F. Borovies, Marketing Specialist, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2988 South Building, Washington, DC 20250, 202 690-1366**RIN:** 0581-AA44**7. REVISION OF REGULATIONS GOVERNING THE INSPECTION AND GRADING SERVICES OF MANUFACTURED OR PROCESSED DAIRY PRODUCTS****Legal Authority:** 7 USC 1621 to 1627 Agricultural Marketing Act of 1946**CFR Citation:** 7 CFR 58**Legal Deadline:** None**Abstract:** The regulations have not been updated since December 1, 1976. The revisions of regulations are needed to reflect more desirable ways of carrying out the dairy inspection and grading program. The changes are not expected to have any major impact on program participation, however, in that most participants are operating in a

manner that is consistent with the proposed changes.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Tracy Schonrock, Chief, Inspection and Grading Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Building, Washington, DC 20250, 202 690-0530**RIN:** 0581-AA45**8. REGULATIONS UNDER THE FEDERAL SEED ACT****Legal Authority:** 7 USC 1551 to 1611 Federal Seed Act**CFR Citation:** 7 CFR 201 to 202**Legal Deadline:** None**Abstract:** Changes in the regulations of the Federal Seed Act (FSA) are to be proposed to eliminate differences between FSA and Association of Official Seed Analysts (AOSA) testing rules as well as differences between minimum seed certification standards of the FSA and those of the Association of Official Seed Certifying Agencies (AOSCA). The FSA regulates the interstate shipment of agricultural and vegetable seed, which is required to be labeled with certain information needed by the seed buyer. The Agricultural Marketing Service (AMS) has cooperative agreements with each of the 50 states who inspect and test seed being sold in their state. Interstate shipments of seed found to be mislabeled can be submitted to AMS for action under the FSA. States test seed according to AOSA rules. AMS must test according to FSA rules. Any alternative to the changes, could in some cases cause seed labeled according to a test conducted by AOSA rules to be mislabeled when tested according to FSA rules, or cause seed certified by an AOSCA member agency to be not in compliance with the FSA. On balance these changes will likely result in no cost or a net savings to the seed industry.**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** James P. Triplitt, Chief, Seed Regulatory and Testing Branch, Department of Agriculture, Agricultural Marketing Service, Building 506, BARC-E, Beltsville, MD 20705, 301 504-9430**RIN:** 0581-AA52**9. MANDATORY INSPECTION OF EGGS AND EGG PRODUCTS****Significance:** Agency Priority**Legal Authority:** 21 USC 1031 to 1056 Egg Products Inspection Act**CFR Citation:** 7 CFR 59**Legal Deadline:** None**Abstract:** The proposal clarifies areas of responsibility and authority in regard to the time of inspection, operating schedules of official plants, facilities to be furnished for the inspectors, a new authority regarding an appeal grading or inspection, air flow in liquid holding rooms, hand washing and sanitizing, covering facial hair, and results of laboratory tests and analyses. Changes to make this regulation consistent with other Division regulations affect the definition of "Dirty Egg," a new definition for "Nest run eggs," and the rinse water temperature in egg cleaning operations.**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-3506**RIN:** 0581-AA55



## USDA—AMS

## Proposed Rule Stage

**10. POLICY STATEMENT AND REGULATIONS GOVERNING AVAILABILITY OF TOBACCO INSPECTION SERVICES TO BURLEY TOBACCO ON DESIGNATED MARKETS****Significance:** Agency Priority**Legal Authority:** 7 USC 511 et seq**CFR Citation:** 7 CFR 29**Legal Deadline:** None

**Abstract:** The Secretary established the Burley Tobacco Advisory Committee effective May 14, 1990, to assist in the regulation of sales at designated markets selling burley tobacco. The Committee has met three times and adopted a statement of policies and procedures for the 1991-92 season. A proposed rule was prepared in April 1992 but has been held up by the moratorium. The proposed rule is expected to appear in August and have a 60-day comment period.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Public Compliance Cost:** Initial Cost: \$0

**Agency Contact:** Ernest L. Price, Director, Tobacco Division, Department of Agriculture, Agricultural Marketing Service, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456, 202 205-0567

**RIN:** 0581-AA56**11. REVIEW OF BASIC FORMULA PRICE IN ALL FEDERAL MILK ORDERS****Significance:** Agency Priority**Legal Authority:** 7 USC 601 to 674 Agricultural Marketing Agreement Act**CFR Citation:** 7 CFR 1001 to 1139**Legal Deadline:** Other, Statutory, October 1, 1991.

An advance notice of proposed rulemaking shall be issued not later than October 1, 1991 (PL 101-624, Sec. 103).

**Abstract:** To consider the proposed replacement of the Minnesota-Wisconsin price serves as the basic

formula price in federal milk marketing orders.

**Timetable:**

Action	Date	FR Cite
Notice of Hearing	05/15/92	57 FR 20790
Next Action	Undetermined	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None

**Agency Contact:** Clayton H. Plumb, Chief, Order Formulation Branch Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Building, Washington, DC 20250, 202 720-6274

**RIN:** 0581-AA57**12. VOLUNTARY INSPECTION OF EGG PRODUCTS AND GRADING****Significance:** Agency Priority**Legal Authority:** 7 USC 1621 to 1627 Agricultural Marketing Act of 1946**CFR Citation:** 7 CFR 55**Legal Deadline:** None

**Abstract:** The proposal will broaden the definition of "Product" to include certain products that are now exempt and will change the terminology describing facilities to be furnished by official plants. These are the same changes being proposed for 7 CFR part 59 and would make both regulations consistent to avoid confusion among the inspectors who must enforce both regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-3506

**RIN:** 0581-AA58**13. EGG RESEARCH AND PROMOTION RULES AND REGULATIONS****Significance:** Agency Priority

**Legal Authority:** 7 USC 2701 to 2718 Egg Research and Consumer Information Act

**CFR Citation:** 7 CFR 1250**Legal Deadline:** None

**Abstract:** The proposal will add a late payment charge on past-due assessments. This change was approved by the Board and will assist the Board in carrying out provisions of the "Egg Research and Consumer Information Act."

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington, DC 20090-6456, 202 720-3506

**RIN:** 0581-AA59**14. GRADING OF SHELL EGGS****Significance:** Agency Priority**Legal Authority:** 7 USC 1621 to 1627 Agricultural Marketing Act of 1946**CFR Citation:** 7 CFR 56**Legal Deadline:** None

**Abstract:** The proposal clarifies and updates provisions of the regulations in response to changing industry practices, program direction, and policy interpretation. Changes to reflect current industry practices would affect grading room requirements, references to the tape used to seal cartons, and the reuse of oil from shell egg protecting operations. Changes to clarify and strengthen existing regulations would affect the definition of "quality assurance inspector," the facilities and equipment required for graders, the temperature of the spray rinse in shell egg cleaning operations, and the "nest run B quality shell" definition. Other changes will be to require a specific level of humidity in cooler rooms to help maintain egg quality and to eliminate wholesale grades and weight classes because they are no longer used.



USDA—AMS

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, 3944 South Building, PO Box 96456, Washington, DC 20090-6456, 202 720-3506

RIN: 0581-AA60

**15. VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS****Significance:** Agency Priority**Legal Authority:** 7 USC 1621 to 1627 Agricultural Marketing Act of 1946**CFR Citation:** 7 CFR 70**Legal Deadline:** None

**Abstract:** The proposal updates the poultry grade standards to reflect changes in marketing practices. Changes to reflect current industry practices will reclassify discolorations, will expand the range allowable, will eliminate the two procurement grades, will change new carcass weight categories, and will establish new grading criteria for large poultry parts. Change to clarify and strengthen existing regulations related to the definition of "exposed flesh."

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington, DC 20090-6456, 202 720-3506

RIN: 0581-AA61

**16. FEES AND CHARGES, MANDATORY TOBACCO INSPECTION****Significance:** Agency Priority**Legal Authority:** 7 USC 511 et seq**CFR Citation:** 7 CFR 29**Legal Deadline:** None

**Abstract:** An increase in the user fee may be necessary to provide adequate funding of this service.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	01/00/93	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

**Agency Contact:** Ernest L. Price, Director, Tobacco Division, Department of Agriculture, Agricultural Marketing Service, Room 502 Annex Building, PO Box 96456, Washington, DC 20090-6456, 202 205-0567

RIN: 0581-AA62

**17. ● REVISION OF USER FEES FOR COTTON CLASSIFICATION, TESTING AND STANDARDS****Legal Authority:** 7 USC 473(a); 7 USC 473(d); 7 USC 55**CFR Citation:** 7 CFR 28; 7 CFR 27**Legal Deadline:** None

**Abstract:** This revision will adjust the 1992 user fees for grower's classification under the Cotton Statistics and Estimates Act of 1987 as amended by Public Law 102-237. The revisions would allow for the recovery of costs associated with these programs. The economic impact of the revisions in user fees are not yet precisely known. A slight increase would not have a major economic impact. All services are voluntary.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	04/00/93	
Period End		
Final Action	06/00/93	

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Lee Cliburn, Assistant to the Director, Department of Agriculture, Agricultural Marketing Service, Room 2641-S South Building, 14th & Independence Ave. SW., Washington, DC 20250, 202 720-3193

RIN: 0581-AA75

**18. ● REAPPORTIONMENT OF DIRECTORS FOR THE CATTLEMEN'S BEEF PROMOTION AND RESEARCH BOARD****Legal Authority:** 7 USC 2901 to 2911**CFR Citation:** 7 CFR 1260**Legal Deadline:** None

**Abstract:** Pursuant to the Beef Promotion and Research Act reappropriation of the Board is required every 3 years based on cattle numbers in the States or regions as well as the volume of imports.

**Alternatives:** (1) Delay reappropriation, (2) No change

Selection of either alternative would cause the Board to not re-elect the geographic distribution of cattle production volume in the U.S. and the volume of imported cattle, beef, or beef products into the U.S.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Ralph L. Tapp, Chief, Marketing Programs Branch, Department of Agriculture, Agricultural Marketing Service, Room 2624-S South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-1115

RIN: 0581-AA76

**19. ● PROCEDURES FOR CONDUCT OF SOYBEAN REFERENDUM****Legal Authority:** 7 USC 6301 to 6311**CFR Citation:** 7 CFR 1220**Legal Deadline:** None

**Abstract:** Pursuant to the Soybean Promotion, Research, and Consumer Information Act, a referendum must be held during the January 1993 to July 1994 period. This rule is necessary to provide procedures for the conduct of a referendum.

**Alternatives:** This rule is mandated by the Soybean Promotion, Research, and Consumer Information Act.

Consequently, it is not within the Secretary's discretion to consider alternatives.



USDA—AMS

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	12/00/92	
Period End		
Final Action	01/00/93	

**Small Entitles Affected:** None**Government Levels Affected:** None

**Agency Contact:** Ralph L. Tapp, Chief, Marketing Programs Branch, Livestock and Seed Division, Department of Agriculture, Agricultural Marketing Service, Room 2624-S South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-1115

**RIN:** 0581-AA77

**20. ● RULES OF PRACTICE GOVERNING PROCEEDINGS ON PETITIONS TO MODIFY OR TO BE EXEMPTED FROM THE SOYBEAN PROMOTION AND RESEARCH ORDER**

**Legal Authority:** 7 USC 6301 to 6311**CFR Citation:** 7 CFR 1220**Legal Deadline:** None

**Abstract:** This rule is necessary to provide affected persons with the guidelines to request exemption from the Order. This is a requirement in this program's enabling legislation.

**Alternatives:** This rule is mandated by the Soybean Promotion, Research, and Consumer Information Act. Consequently, it is not within the Secretary's discretion to consider alternatives.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	01/00/93	

**Small Entitles Affected:** None**Government Levels Affected:** None

**Agency Contact:** Ralph L. Tapp, Chief, Marketing Programs Branch, Livestock and Seed Division, Department of Agriculture, Agricultural Marketing

Service, Room 2624-S South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-1115

**RIN:** 0581-AA78

**21. ● POLICY STATEMENT AND REGULATIONS GOVERNING THE EXTENSION OF TOBACCO INSPECTION AND PRICE SUPPORT SERVICES TO NEW MARKETS AND TO ADDITIONAL SALES ON DESIGNATED MARKETS**

**Legal Authority:** 7 USC 511 et seq**CFR Citation:** 7 CFR 29**Legal Deadline:** None

**Abstract:** An amendment is being proposed for 7 CFR Part 29.1 (e) to expand the geographical area of a designated market. This action is requested by the industry to allow more flexibility in building new warehouses. In many markets zoning laws and the cost of land make it impossible to build new warehouses within the three mile limit. A proposed rule is planned for August 1992 and a final rule in October 1992.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	10/00/92	
Period End		
Final Action	01/00/93	

**Small Entitles Affected:** Businesses**Government Levels Affected:** Federal

**Agency Contact:** Ernest L. Price, Director, Tobacco Division, Department of Agriculture, Agricultural Marketing Service, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456, 202 205-0567

**RIN:** 0581-AA84

**22. ● AGENCY REORGANIZATION OF ANALYTICAL TESTING SERVICES**

**Significance:** Agency Priority**Legal Authority:** 7 USC 1421; 7 USC 1423; 7 USC 1441; 7 USC 1621 to 1627; 7

USC 2321; 7 USC 2326; 7 USC 2352 to 2353; 7 USC 2356; 7 USC 2371; 7 USC 2402(b); 7 USC 2403; 7 USC 2426 to 2427; 7 USC 2501(c); 15 USC 714(c); 21 USC 1301 to 1056

**CFR Citation:** 7 CFR 29; 7 CFR 52; 7 CFR 55; 7 CFR 58; 7 CFR 59; 7 CFR 61; 7 CFR 70; 7 CFR 90 to 159; 7 CFR 180**Legal Deadline:** None

**Abstract:** The Agricultural Marketing Service (AMS) of the Department of Agriculture consolidated and transferred functions related to analytical laboratory testing services performed on tobacco, seeds, dairy products, eggs, fruits, vegetables, meat, poultry and related agricultural products to its Science Division. This proposed rule would revise the regulations by establishing a new Subchapter E, Commodity Laboratory Testing Programs, in Title 7 of the Code of Federal Regulations by amending and transferring AMS regulations concerning laboratory services, and the regulations under the Plant Variety Protection Act. The regulations would also be revised by adding provisions for statistical science support services and residue monitoring operations to the new subchapter parts 90-101 and part 110. In addition, fees charged for testing services under the various Science Division programs would be amended to reflect additional costs associated with the services.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entitles Affected:** None**Government Levels Affected:** None

**Agency Contact:** Craig A. Reed, Director, Department of Agriculture, Agricultural Marketing Service, Room 3064-S South Agriculture Building, Washington, DC 20090-6456, 202 720-5231

**RIN:** 0581-AA85



## DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

## Agricultural Marketing Service (AMS)

**23. RECORDKEEPING REQUIREMENTS FOR CERTIFIED APPLICATORS OF FEDERALLY RESTRICTED USE PESTICIDES****Significance:** Agency Priority**Legal Authority:** PL 101-624, sec 1491; 7 USC 136i-1**CFR Citation:** 7 CFR 110**Legal Deadline:** NPRM, Statutory, August 10, 1992. Final, Statutory, June 1, 1993.

Statutory, May 27, 1991 (180 Days after enactment).

**Abstract:** The USDA, in consultation with EPA, will establish requirements for recordkeeping by all certified applicators of federally restricted use pesticides. Annual reports to Congress on agricultural/nonagricultural uses of federally restricted pesticides are mandated. The identity of individual producers in these reports and surveys will be protected. Currently no recordkeeping requirements exist at the Federal level for certified private applicators. Most State commercial applicator certification programs require some form of recordkeeping. States that do not have any type of recordkeeping regulations will fall under a Federal program. To implement, USDA will delegate operational responsibilities to States through cooperative agreements. AMS will oversee the Federal program.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/12/92	57 FR 20380
ANPRM	08/10/92	
Comment		
Period End		
Final Action	06/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Public Compliance Cost:** Initial Cost: \$1,500,000,000; Base Year for Dollar Estimates: 1992**Sectors Affected:** Multiple**Agency Contact:** Bonnie Poli, Chief, Pesticide Record Branch, Department of Agriculture, Agricultural Marketing Service, Suite 200, 8700 Centerville Rd., Manassas, VA 22110, 703 330-7826**RIN:** 0581-AA39**24. FEE INCREASE FOR DAIRY GRADING PROGRAM****Legal Authority:** 7 USC 1621 to 1629  
Agricultural Marketing Act of 1946**CFR Citation:** 7 CFR 58**Legal Deadline:** None

**Abstract:** The main purpose of the program changes is to increase fees charged for inspection and grading services. The program is voluntary, with all cost being covered by user fees.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/91	56 FR 10382
NPRM Comment	04/11/91	56 FR 10382
Period End		

Next Action Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Tracy Schonrock, Chief, Inspection and Grading Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Building, Washington, DC 20050, 202 720-0503**RIN:** 0581-AA42**25. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER****Significance:** Agency Priority**Legal Authority:** 7 USC 6101 to 6112**CFR Citation:** 7 CFR 1209**Legal Deadline:** None

**Abstract:** Establishes a national research and promotion program for domestically produced and imported mushrooms to increase the consumption of mushrooms. The program is financed by assessments on producers and importers. The Act specifies that, 60 days after receipt of a proposal by an interested person, or when the Secretary determines to propose an order, the Secretary shall publish the proposal with opportunity for public comment. The Act specifies that an order shall be issued, and if approved in referendum shall become effective not later than 120 days following publication of the proposed order.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/30/91	55 FR 3425
ANPRM	03/01/91	55 FR 3425
Comment		
Period End		
NPRM	10/04/91	56 FR 50283
NPRM	01/15/92	57 FR 1666
NPRM Comment	02/14/92	
Period End		
NPRM	06/10/92	57 FR 24720
Final Action	11/00/92	

**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Public Compliance Cost:** Initial Cost: \$0**Agency Contact:** Martha Ransom, Research and Promotion Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2533 South Building, Washington, DC 20250, 202 720-9915**RIN:** 0581-AA49**26. REVISION OF GRADE STANDARDS FOR AMERICAN UPLAND COTTON****Significance:** Agency Priority**Legal Authority:** 7 USC 61; 7 USC 56**CFR Citation:** 7 CFR 28**Legal Deadline:** None

**Abstract:** This revision would revise the classification of cotton to provide for the separation of grade into its chief components of color and leaf. Each component would then stand clearly on its own so that its effect on end use value or processing capability could be fully and separately evaluated.

The separation of grade into color and leaf will require no changes in the 15 physical standards for American Upland cotton as currently maintained by USDA. The proposal would enhance the Agency's ability to provide useful and cost-effective classification, standardization and market news services.

**Timetable:**

Action	Date	FR Cite
NPRM	05/20/92	57 FR 21358
NPRM Comment	06/19/92	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None



**USDA—AMS**

**Final Rule Stage**

**Agency Contact:** Lee Cliburn, Assistant to the Director, Cotton Division, Department of Agriculture, Agricultural Marketing Service, Room 2641 South Building, 14th and Independence Avenue SW., Washington, DC 20250, 202 720-3193

**RIN:** 0581-AA65

**27. ● MILK FOR MANUFACTURING PURPOSES AND ITS PRODUCTION AND PROCESSING; REQUIREMENTS RECOMMENDED FOR ADOPTION BY STATE REGULATORY AGENCIES**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1621 to 1627 Agricultural Marketing Act

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The proposal would incorporate provisions for an expanded drug residue monitoring program. The proposal would provide State regulatory agencies and the dairy industry with guidance in carrying out sampling, testing and monitoring activities relating to drug residues in manufacturing grade milk. The proposal would establish a revision of the existing regulations to strengthen program integrity, to update the regulations to accurately reflect inspections and grading activities, and to clarify the meaning of the regulation provisions. The Proposal would incorporate provisions which specify the sampling, testing, and record keeping requirements relating to an expanded drug residue monitoring program in USDA-approved dairy plants.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/92	57 FR 33168
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Duane R. Spomer, Chief, Dairy Standardization Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2750-S, P.O. Box 96456, Washington, DC 20090-6456, 202 720-7473

**RIN:** 0581-AA70

**28. ● FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1622; 7 USC 1624

**CFR Citation:** 7 CFR 51

**Legal Deadline:** None

**Abstract:** The objective is to increase the fees for voluntary inspection services at destination markets to replenish the reserve balance of the trust fund. The industry has repeatedly emphasized the program's need to provide faster response to requests for service. To meet this requirement, we have hired more graders. The additional costs have caused the market inspection segment of the Fresh Products Trust Fund reserve to fall to 1.3 months of operating reserve, well below the four months needed to ensure the program's financial viability and to satisfy requirements of AMS policy.

**Timetable:**

Action	Date	FR Cite
NPRM	07/02/92	57 FR 29449
NPRM Comment Period End	08/03/92	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Douglas C. Bailey, Head, Program Operations and Review

Section, Department of Agriculture, Agricultural Marketing Service, Room 2056-S, Fresh Products Branch, Washington, DC 20250, 202 720-5870

**RIN:** 0581-AA71

**29. ● INCREASE IN FEES AND CHARGES FOR EGG PRODUCTS INSPECTION AND EGG, POULTRY, AND RABBIT GRADING**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1621 to 1627 Agricultural Marketing Act; 21 USC 1031 to 1056 Egg Products Inspection Act

**CFR Citation:** 7 CFR 55; 7 CFR 56; 7 CFR 59; 7 CFR 70

**Legal Deadline:** None

**Abstract:** The proposal would increase the fees and charges for Federal voluntary egg products inspection; voluntary egg, poultry, and rabbit grading; mandatory egg products inspection overtime and appeal services; and laboratory services. The increases will cover the increase in salaries of Federal employees, salary increases of State Employees cooperatively utilized in administering the programs, and other increased Agency costs.

**Timetable:**

Action	Date	FR Cite
NPRM	07/06/92	57 FR 29660
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Janice L. Lockard, Chief, STN, Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-3506

**RIN:** 0581-AA72

**DEPARTMENT OF AGRICULTURE (USDA)**

**Completed Actions**

**Agricultural Marketing Service (AMS)**

**30. LIME RESEARCH, PROMOTION AND CONSUMER INFORMATION ORDER**

**Significance:** Agency Priority

**CFR Citation:** 7 CFR 1212

**Completed:**

Reason	Date	FR Cite
Final Action	01/27/92	57 FR 2985

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Martha Ransom, 202 720-9915

**RIN:** 0581-AA48



## USDA—AMS

## Completed Actions

**31. PECAN PROMOTION AND RESEARCH ORDER****Significance:** Agency Priority**CFR Citation:** 7 CFR 1211**Completed:**

Reason	Date	FR Cite
Final Action	05/01/92	57 FR 18797
Final Action Effective	04/01/92	

**Small Entities Affected:** Organizations**Government Levels Affected:** Undetermined**Agency Contact:** Martha Ransom, 202 720-2491**RIN:** 0581-AA50**Legal Authority:** 7 USC 473(a); 7 USC 473(d); 7 USC 55**CFR Citation:** 7 CFR 27; 7 CFR 28**Legal Deadline:** Final, Statutory, June 1, 1992.

**Abstract:** This revision will revise the 1991 user fees charged to cotton producers for classification under the Smith-Doxey Amendment to the Cotton Statistics and Estimates Act in accordance with the provisions of the Uniform Classing Fees Act of 1987 as amended by Public Law 102-237.

The revisions would allow for the recovery of costs associated with these programs. The economic impact of the revisions in user fees are not yet precisely known. A slight increase would not have a major economic impact. All services are voluntary.

**Timetable:**

Action	Date	FR Cite
NPRM	04/21/92	57 FR 14492
NPRM Comment Period End	05/06/92	
Final Action	08/23/92	57 FR 27889
Final Action Effective	07/01/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Fred S. Mullins, Deputy Director, Cotton Division, Department of Agriculture, Agricultural Marketing Service, Room 2841 South Building, 14th and Independence Avenue SW., Washington, DC 20250, 202 720-3193

**RIN:** 0581-AA64**BILLING CODE** 3410-02-F**32. ● REVISION OF USER FEES****Significance:** Agency Priority

## DEPARTMENT OF AGRICULTURE (USDA)

## Proposed Rule Stage

## Agricultural Stabilization and Conservation Service (ASCS)

**33. AMEND U.S. WAREHOUSE ACT (USWA) REGULATIONS TO PROVIDE 1) LIQUIDATION PROCEDURES, AND 2) INFORMAL HEARINGS FOR USWA LICENSED WAREHOUSEMEN****Legal Authority:** 7 USC 288; The United States Warehouse Act**CFR Citation:** 7 CFR 735; 7 CFR 742**Legal Deadline:** None

**Abstract:** This action would give USWA licensees an opportunity for informal hearings in cases of license suspension. There are no expected outlays as a result of this action.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC05**34. EXCESSIVE MANUFACTURING (MAKE) ALLOWANCES IN STATE MARKETING ORDERS FOR MILK****Significance:** Agency Priority**Legal Authority:** 7 USC 1446e-1; The Food, Agriculture, Conservation, and Trade Act of 1990**CFR Citation:** None**Legal Deadline:** Final, Statutory, November 28, 1991.

**Abstract:** The Food, Agriculture, Conservation, and Trade Act of 1990 requires that, beginning 12 months after enactment, no State shall provide for (and no person shall collect, directly or indirectly) a greater allowance for the processing of milk ("make allowance") than is permitted under a Federal program to establish a Grade A price for manufacturing butter, nonfat dry milk, or cheese. The law provides for penalties and investigations by the Secretary if a producer provides evidence of such action. The expected cost to the Government has not yet been determined.

**Timetable:**

Action	Date	FR Cite
NPRM	06/19/92	57 FR 27371
NPRM Comment Period End	10/19/92	
Final Action	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory and Economic 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-AC23**35. ● 1993-CROP PEANUTS NATIONAL POUNDAGE QUOTA****Significance:** Agency Priority**Legal Authority:** 7 USC 1358-1; The Agricultural Adjustment Act of 1938, sec 358-1, as amended**CFR Citation:** 7 CFR 729**Legal Deadline:** Final, Statutory, December 15, 1992.

**Abstract:** The objective of this action is to balance supply with demand at a level that will assure stable supplies for domestic use and assure producers a stable income. This action is required by legislation, which provides a formula for computing the national quota. The quota must equal the amount estimated to be devoted to domestic food, seed, and related uses, and may not be less than 1.34 million tons. The quota is set by statutory formula, based on the



## USDA—ASCS

## Proposed Rule Stage

Secretary's estimate of the amount of peanuts required for domestic use for the 1993 marketing year. The 1993 marketing year is from August 1, 1993 through July 31, 1994. The net cost is estimated to be \$3 million.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC60

### 36. ● 1993 EXTRA LONG STAPLE (ELS) COTTON LOAN RATE AND ACREAGE REDUCTION PROGRAM

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1444(h); The Agricultural Act of 1949, sec 103(h), as amended

**CFR Citation:** 7 CFR 1413; 7 CFR 1427

**Legal Deadline:** Final, Statutory, December 1, 1992.

**Abstract:** The objective of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements. The primary determinations are 1) loan rate and 2) Acreage Reduction Program level. The net cost is expected to be \$1 million to \$3 million.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service,

Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC64

### 37. ● 1993 WOOL AND MOHAIR PROGRAM

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1781 et. seq.; The National Wool Act of 1954, as amended

**CFR Citation:** 7 CFR 1468

**Legal Deadline:** None

**Abstract:** The objective of this action is to encourage the continued domestic production of wool at prices fair to both producers and consumers, in a manner that will assure a viable domestic wool industry in the future, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The primary determinations are 1) support mohair at a level not more than 15 percent above or below the comparable percentage of parity at which shorn wool is supported (the price support level for shorn wool is determined by statutory formula), and 2) support pulled wool through payments based on the liveweight of unshorn lambs marketed for slaughter. The net cost is expected to be \$150 million to \$200 million.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC65

### 38. ● COMMON PROVISIONS FOR THE 1994 WHEAT, FEED GRAIN, COTTON, AND RICE PROGRAMS

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1441-2; 7 USC 1444; 7 USC 1444-2; 7 USC 1444f; 7 USC 1445b-3a; The Agricultural Act of 1949, as amended

**CFR Citation:** 7 CFR 1413

**Legal Deadline:** None

**Abstract:** The objective of this action is to implement the Wheat, Feed Grain, Cotton, and Rice Programs as required by legislation. Primary determinations are 1) crops to be allowed to be planted on flexible acreage, 2) implementation of Targeted Option Payments, 3) planting of designated crops and conserving crops on Acreage Conservation Reserve (ACR) acreage, and 4) planting of oats on wheat and feed grain ACR. The net cost to the Government is expected to be \$100 million to \$200 million.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
Final Action	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC74

### 39. ● 1994 WHEAT LOAN RATE AND ACREAGE REDUCTION PROGRAM

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1445b-3a; The Agricultural Act of 1949, sec 107B, as amended

**CFR Citation:** 7 CFR 1413; 7 CFR 1421

**Legal Deadline:** NPRM, Statutory, April 1, 1993. Final, Statutory, June 1, 1993. Other, Statutory, July 31, 1993. The April 1 and June 1, 1993, deadlines are for the ARP level. The July 31, 1993, deadline is for final program adjustments.

**Abstract:** The objective of this action is to assure sufficient supplies of wheat for domestic and export use, support farm income, combat inflation, hold down Government costs, conserve natural resources, and comply with statutory requirements. The primary determinations are 1) loan and purchase rate and 2) Acreage Reduction Program level. The net cost is expected to be \$2 billion to \$3 billion.



**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
Final Action	08/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC75

**40. ● 1991-95 CROPS SUGAR BEET AND SUGARCANE PROGRAM**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1446; The Agricultural Act of 1949, sec 201 and 206, as amended; 7 USC 1311; The Agricultural Adjustment Act of 1938, as amended

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The objective of this action is to implement the Sugarcane and Sugar Beet Program as required by legislation. The primary determinations are 1) the 1991 price support level (set at the statutory minimum of 18.00 cents per pound), and 2) implementation of Domestic Marketing Allotments. No Government outlays are expected as a result of this action, but the program raises costs to consumers by about \$2.0 billion per year.

**Timetable:**

Action	Date	FR Cite
NPRM--Price Support	06/11/91	56 FR 26777
Final Rule--Price Support	09/18/91	56 FR 47125
NPRM--Allotments	10/00/92	
Final Rule--Allotments	01/04/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service,

Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC76

**41. ● 1993-CROP MARKETING QUOTAS FOR FIVE KINDS OF TOBACCO**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1312; The Agricultural Adjustment Act of 1938, sec 312, as amended

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** Marketing quotas and acreage allotments are required by legislation for Fire-cured (type 21), Fire-cured (types 22-23), Dark Air-cured (types 35-36), Virginia Sun-cured (type 37), and Cigar Filler and Binder (types 42-44 and 53-55). The purpose of quotas and allotments for these five kinds of tobacco is to balance supply with demand at levels that assure stable supplies for domestic and export use at prices that are fair to producers. Marketing quota and acreage allotment determinations are based on 10-year average marketings adjusted for trends to yield the "reserve supply level" as defined by legislation. Marketing quotas are implemented if approved by producers in referenda. Producers approved quotas for the 1993 crop of Fire-cured and Dark Air-cured tobaccos. Referenda for the other types are scheduled for 3/92 and 3/93. Producers of these types have historically voted in favor of quotas. Gross loan outlays under the price support and quota program of \$2 million are expected in FY 1994. These outlays will be offset by loan redemptions and no-net-cost assessments in FY 1994 and subsequent years, for a net cost of \$0.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service,

Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC81

**42. ● AMENDMENT TO THE HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION PROGRAM REGULATIONS—PERSON DETERMINATIONS**

**Legal Authority:** 16 USC 3801; 16 USC 3811; 16 USC 3812; 16 USC 3821-23; The Food Security Act of 1985, sec 1201, as amended

**CFR Citation:** 7 CFR 12

**Legal Deadline:** None

**Abstract:** The objective of this action is to set a standard for a more consistent "person" determination by using an attribution method for determining benefits that shall be denied persons who are associated with the actual violators of the highly erodible land (HEL) and wetland conservation provisions. The current affiliated person rule for HEL and wetlands is difficult to administer because a strict interpretation of the rules could result in a chain of affiliated persons, all of whom would be ineligible for USDA benefits, when in fact many of the affiliated persons did not play a part in the violation. This action will provide a more equitable and understandable method for imposing sanctions on conservation compliance violations. No costs are expected as a result of this action.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	11/15/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC86

**43. ● AMENDMENTS TO THE SUGAR MARKETING ASSESSMENT REGULATIONS**

**Legal Authority:** 7 USC 1446g; The Agricultural Act of 1949, sec 206i, as amended



## USDA—ASCS

## Proposed Rule Stage

**CFR Citation:** 7 CFR 1435

**Legal Deadline:** None

**Abstract:** The objective of this action is to amend regulations governing the sugar market assessment as required by the Food, Agriculture, Conservation, and Trade Act Amendments of 1991. The regulations will be amended to 1) provide that assessments will be effective for FY's 1992-96, rather than FY's 1991-95, 2) provide that the assessments will be collected, on a monthly basis, for sugar that has been marketed during the fiscal year, 3) clarify the term "marketed" to mean shipments from the first processor that involves a title transfer, and 4) provide that sugar subject to the assessment includes that processed from domestically produced cane and beet molasses, as well as from domestically produced cane and beets. No costs are expected as a result of this action.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC91

#### 44. ● HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION: DEFINITION OF PRIOR CONVERTED CROPLAND

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 3822, sec 1222; The Food Sec. Act of 1985, as amended by sec 1422(PL101-624).

**CFR Citation:** 7 CFR 12.32

**Legal Deadline:** None

**Abstract:** The proposed changes will allow persons who have lost benefits because of wetland conservation violations to have their benefits restored in exchange for making a significant commitment to conserve present and future wetland values. Additionally, the change will allow equitable treatment of tenants who acted in good faith but are unable to

restore the converted wetland. The long-term benefit to society for the securing of these wetland values will more than compensate for the loss caused by the violation. The proposed changes will also expand the area considered to be prior converted to cropland to include areas that have a cropping history in 6 out of 10 years from 1981 to 1990 inclusively. Commodity program costs would increase by \$50 - \$60 million annually, total net farm income of grain producers would decrease \$5 - \$10 million annually, and environmental costs would be \$15 - \$20 million per year.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC94

#### 45. ● AMENDMENTS TO THE PRODUCTION ADJUSTMENT REGULATIONS—RECONSTITUTION OF BASES, ALLOTMENTS AND QUOTAS

**Legal Authority:** 7 USC 1379; The Agricultural Adjustment Act of 1938, sec 379, as amended.

**CFR Citation:** 7 CFR 719

**Legal Deadline:** None

**Abstract:** This action is needed to amend the regulations regarding reconstitution of bases, allotments, and quotas in order to 1) clarify them, 2) make them more consistent with the payment limitation regulations, and 3) determine whether a spouse should be considered the "same owner" when determining whether land is under the same ownership. No Federal outlays are expected.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC99

#### 46. ● PILOT VOLUNTARY PRODUCTION LIMITATION PROGRAM

**Legal Authority:** 7 USC 1444f, 1445b-3a; The Agricultural Act of 1949, sec 105B(g), as amended.

**CFR Citation:** 7 CFR 1413

**Legal Deadline:** None

**Abstract:** This action is needed to implement the Pilot Voluntary Production Limitation Program (PVPLP) for wheat and feed grains, as required by legislation. This action will implement regulations to provide for 1) Implementation of the PVPLP in at least 15 states, 2) Limiting the amount of wheat or feed grains that can be disposed of in excess of the production limitation quantity for the marketing year, 3) A production limitation quantity calculation, 4) Terms and conditions for producers who elect to participate, 5) Provisions for excess production, 6) Subsequent year marketing of excess production, and 7) Measures to prevent circumvention of the program, including refunds or forfeitures of commodities. Only minor administrative and program costs are expected.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AD00



## USDA—ASCS

## Proposed Rule Stage

**47. ● AMENDMENTS TO THE PAYMENT LIMITATION REGULATIONS—"ACTIVELY ENGAGED" DETERMINATIONS**

**Legal Authority:** 7 USC 1308, 1308-1, and 1308-2; The Food Sec. Act of 1985, sec 1001, 1001A, 1001B, as amended.

**CFR Citation:** 7 CFR 1497

**Legal Deadline:** None

**Abstract:** This action is needed to amend the payment limitation regulations regarding "actively engaged in farming" determinations in response to OIG and GAO audits that have been critical of the effectiveness of present regulations in limiting payments. Determinations will be made to 1) provide that contributions of active personal labor or active personal management by an individual could only qualify one "person" as actively engaged in the same farming operation, and 2) provide a definition of a "shell" corporation, which would be ineligible for payments. Most producers will not be affected by these changes because they do not approach the \$50,000 payment limitation. However, critical comments will be expected from individuals who are impacted by the limit and others concerned with payment limitations. No additional cost to the Government is expected. Some reduction in payments to entities who currently meet the payment limitation requirements but who will not after the changes is expected.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service,

Room 3741-S, P.O. Box 2415,  
Washington, DC 20013, 202 690-4636

**RIN:** 0560-AD01

**48. ● 1994 FEED GRAIN LOAN RATES AND ACREAGE REDUCTION LEVELS**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1444 et seq; The Agricultural Act of 1949, sec 105B, as amended.

**CFR Citation:** 7 CFR 1413

**Legal Deadline:** NPRM, Statutory, August 1, 1993. Final, Statutory, September 30, 1993. Other, Statutory, November 15, 1993.

Other deadline is for adjustments.

**Abstract:** This action is needed to provide an adequate supply of feed grains for domestic and foreign utilization, support farm income, and comply with statutory requirements. The expected cost is \$3.0 -\$4.5 billion.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	
Final Action	09/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AD02

**49. ● AGRICULTURAL CONSERVATION AND STABILIZATION SERVICE DEBT SETTLEMENT REGULATIONS**

**Legal Authority:** 31 USC 3711, et seq; Fed. Claims Collection Act, as amended, by Debt Coll. Act-1982.

**CFR Citation:** 7 CFR 792

**Legal Deadline:** None

**Abstract:** These rules and regulations are needed to clarify and codify the

policies and procedures the Agricultural Stabilization and Conservation Service (ASCS) will use to settle debts owed to ASCS. The primary determinations are 1) Define terms applicable to the collection of debts by ASCS, 2) Provide procedures for making demand for payment of debts due ASCS, 3) Provide for collection of debts by installment payments if certain conditions are met, 4) Indicate when collection by administrative offset is appropriate, 5) List the priorities that are applicable to offsets and assignments, 6) State when withholding of a payment prior to the completion of an applicable offset procedure may be made from amounts payable to a debtor by ASCS, 7) State the circumstances when an administrative appeal is appropriate, 8) Specify when contact can be made with the debtor's employing agency, 9) State when a debt should be discharged, 10) Provide the procedures that will be followed by ASCS and the rights that will be afforded to debtors when ASCS reports delinquent debts to credit reporting agencies, 11) State the requirements for referring debts to (Continued in additional information field)

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
Final Action	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Continued from abstract: the Department of Justice, Internal Revenue Service, or Private Collection Agencies and when a debt can be compromised by the Secretary or his designee. Only minor administrative costs will be incurred.

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AD03



## DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

## Agricultural Stabilization and Conservation Service (ASCS)

**50. ALLOCATION OF PROCUREMENT OF PROCESSED AGRICULTURAL COMMODITIES FOR DONATION ON A LOWEST LANDED COST BASIS****Significance:** Agency Priority**Legal Authority:** 46 USC 1241f(c); The Merchant Marine Act, 1936, as amended, sec 901b(c)**CFR Citation:** 7 CFR 1496**Legal Deadline:** None

**Abstract:** The objective of this action is to amend the regulations governing the procurement of commodities as required by the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act). The 1990 Act requires that CCC shall, without detriment to any port range, allocate, on the principle of lowest landed cost (LLC) without regard to the country of documentation of the vessel, 50 percent of the bagged, processed, or fortified commodities for Title II (PL 480) donations. In addition, the 1990 Act provides that CCC limit the Great Lakes port range to a percentage share under this procedure that is no greater than in 1984, and that cargo allocated to Great Lakes ports may not be shipped from other port ranges except to meet U.S. flag cargo preference requirements. This action will result in no more than a \$5 million increase in annual Government outlays.

**Timetable:**

Action	Date	FR Cite
NPRM	02/08/91	56 FR 5161
NPRM Comment Period End	03/11/91	
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory and Economic 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-AC27**51. 1992-CROP MARKETING QUOTAS FOR FIVE KINDS OF TOBACCO****Significance:** Agency Priority**Legal Authority:** 7 USC 1312(a) et seq; The Agricultural Act of 1938, as amended, sec 312**CFR Citation:** None**Legal Deadline:** None

**Abstract:** Marketing quotas and acreage allotments are required by legislation for these five kinds of tobacco (Fire-cured (type 21), Fire-cured (types 22-23), Dark Air-cured (types 35-36), Virginia Sun-cured (type 37), and Cigar Filler and Binder (types 42-44 and 53-55)). The purpose of quotas and allotments is to balance supply with demand at levels that assure stable supplies for domestic and export use at prices that are fair to producers. Marketing quota and acreage allotment determinations are based on 10-year average marketings adjusted for trends to yield the "reserve supply level" as defined by legislation. Marketing quotas are implemented if approved by producers in referenda. Producers approved quotas for the 1992 crop for Type (42-44, 53-55). Referenda for the other types are scheduled for 3/91 and 3/92. Producers of these types have historically voted in favor of quotas. Gross loan outlays under the price support and quota program of \$2 million are expected in FY 1993. These outlays will be offset by loan redemptions and no-net-cost assessments in FY 1993 and subsequent years, for a net cost of \$0.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/91	56 FR 63954
NPRM	01/07/92	57 FR 553
Announcement	02/28/92	
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory and Economic 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-AC40**52. 1992-CROP PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO****Significance:** Agency Priority**Legal Authority:** 7 USC 1445 et seq; The Agricultural Act of 1949, as amended, sec 106**CFR Citation:** None**Legal Deadline:** None

**Abstract:** Price support is required by legislation to stabilize prices for these six kinds of tobacco (Fire-cured (type 21), Fire-cured (types 22-23), Dark Air-cured (types 35-36), Virginia Sun-cured (type 37), Puerto Rican Cigar Fill (type 46), and Cigar Filler and Binder (types 42-44 and 53-55)) when marketing quotas are in effect. Marketing quotas are implemented, if approved by producers in referenda, to achieve a supply equal to the "reserve supply level" as defined by legislation. No quota will be in effect for type 46 because supplies are well above that level. Producers approved quotas for the 1992 crop for type (42-44, 53-55). Referenda for the other types are scheduled for 3/91 and 3/92. Producers of these types have historically voted in favor of quotas. The primary determination to be made is price support levels. Gross loan outlays under the price support and quota program of \$2 million are expected in FY 1993. These outlays will be offset by loan redemptions and no-net-cost assessments in FY 1993 and subsequent years, for a net cost of \$0.

**Timetable:**

Action	Date	FR Cite
Announcement	02/28/92	
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory and Economic 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-AC41**53. 1992-CROP PEANUTS NATIONAL POUNDAGE QUOTA****Significance:** Agency Priority**Legal Authority:** 7 USC 1358-1; The Agricultural Adjustment Act of 1938, as amended; PL 101-624; The Food, Agriculture, Conservation, and Trade Act of 1990**CFR Citation:** 7 CFR 729**Legal Deadline:** Final, Statutory, December 15, 1991.

**Abstract:** The objective of this action is to balance supply with demand at a level that will assure stable supplies for domestic use and assure producers a



stable income. This action is required by legislation, which provides a formula for computing the national quota. The quota must equal the amount estimated to be devoted to domestic food, seed, and related uses, and may not be less than 1.34 million tons. The primary determination is in regards to the national poundage quota. The quota is set by statutory formula, based on the Secretary's estimate of the amount of peanuts required for domestic food, seed, and related uses for the 1992 marketing year. The 1992 marketing year is from August 1, 1992, through July 31, 1993. The net cost is expected to be \$3 million.

**Timetable:**

Action	Date	FR Cite
NPRM	11/21/91	56 FR 58672
Announcement	12/13/91	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

**RIN:** 0560-AC42

**54. NATIONAL AVERAGE LOAN RATES FOR 1992-CROP QUOTA AND ADDITIONAL PEANUTS AND MINIMUM COMMODITY CREDIT CORPORATION (CCC) EXPORT-EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1445c-3; The Agricultural Act of 1949, as amended, sec 108B; PL 101-624; The Food, Agriculture, Conservation, and Trade Act of 1990

**CFR Citation:** 7 CFR 1446

**Legal Deadline:** Final, Statutory, February 15, 1992.

**Abstract:** The objective of this action is to determine the peanut price support levels for quota and additional peanuts, as required by legislation. The price support levels provide a domestic price floor for quota and additional peanuts. The primary determinations are 1) price support level for quota peanuts, 2) price support level for additional peanuts, and 3) minimum CCC export-edible

sales price for additional peanuts. The net cost is expected to be \$3 million.

**Timetable:**

Action	Date	FR Cite
Announcement	12/13/91	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory and Economic 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-AC43

**55. 1993 FEED GRAIN LOAN RATES AND ACREAGE REDUCTION LEVELS**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1444 et seq; The Agricultural Act of 1949, sec 105B, as amended

**CFR Citation:** 7 CFR 1413

**Legal Deadline:** NPRM, Statutory, August 1, 1992. Final, Statutory, September 30, 1992. Adjustments November 15, 1992.

**Abstract:** The objective of this action is to provide an adequate supply of feed grains for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. The primary determinations are 1) loan and purchase rates and 2) Acreage Reduction Program levels. The net cost to the Government is expected to be \$3.0 billion to \$4.5 billion.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/92	57 FR 34087
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC54

**56. 1992 CCC COTTON LOAN PROGRAM REGULATIONS—BALE PACKAGING MATERIALS**

**Legal Authority:** 7 USC 714b to 714c; Commodity Credit Corporation Charter Act, sec 4-5

**CFR Citation:** 7 CFR 1427

**Legal Deadline:** None

**Abstract:** The objective of this action is to incorporate by reference the specifications for bale packaging materials used in wrapping cotton for 1992 that are approved by the Joint Cotton Industry Bale Packaging Committee and that are acceptable to CCC. There are no expected costs to the Government associated with this action.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/04/92	57 FR 40593
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Chief, Regulatory and Economic 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-AC55

**57. ● ADJUSTED WORLD MARKET PRICES (AWPS) FOR UPLAND COTTON AND RICE-TIMING OF ANNOUNCEMENT**

**Legal Authority:** 7 USC 1444-2; The Agricultural Act of 1949, sec 103B, as amended

**CFR Citation:** 7 CFR 1427

**Legal Deadline:** None

**Abstract:** The objective of this action is to make the AWP available after normal business hours in the continental U.S. to assure equal access to the AWP regardless of location or time zone. There are no expected costs as a result of this action.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/91	56 FR 67547
NPRM Comment Period End	01/15/92	
NPRM Withdrawn	05/12/92	57 FR 20211



## USDA—ASCS

## Final Rule Stage

Action	Date	FR Cite
New NPRM	07/22/92	57 FR 32454
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC59

**58. ● NATIONAL AVERAGE LOAN RATES FOR 1993-CROP QUOTA AND ADDITIONAL PEANUTS AND MINIMUM COMMODITY CREDIT CORPORATION (CCC) EXPORT-EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1445c-3; The Agricultural Act of 1949, sec 108B, as amended

**CFR Citation:** 7 CFR 1446; 7 CFR 1421

**Legal Deadline:** Final, Statutory, February 15, 1993.

This deadline applies to price support levels only.

**Abstract:** The objective of this action is to determine the price support levels for quota and additional peanuts, as required by legislation. The price support levels provide a domestic price floor for quota and additional peanuts. The primary determinations are 1) price support level for quota peanuts, 2) price support level for additional peanuts, and 3) minimum CCC export-edible sales price for additional peanuts. The net cost is expected to be \$3 million.

**Timetable:**

Action	Date	FR Cite
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC61

**59. ● 1993 UPLAND COTTON LOAN RATE AND ACREAGE REDUCTION PROGRAM**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1444-2; The Agricultural Act of 1949, sec 103B, as amended

**CFR Citation:** 7 CFR 1413; 7 CFR 1427

**Legal Deadline:** Final, Statutory, January 1, 1993.

The loan rate must be announced by 11/01/92 and the ARP level by 01/01/93.

**Abstract:** The objective of this action is to assure supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income, and comply with statutory requirements. The primary determinations are 1) loan and purchase rates, 2) Acreage Reduction Program level, 3) marketing loan, and 4) base quality. The net cost is expected to range from \$0.6 to \$1 billion.

**Timetable:**

Action	Date	FR Cite
NPRM	09/29/92	57 FR 44709
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC63

**60. ● AGRICULTURAL RESOURCES CONSERVATION PROGRAM AMENDMENTS**

**Legal Authority:** 16 USC 3832; The Food Security Act of 1985, sec 1232, as amended

**CFR Citation:** 7 CFR 704; 7 CFR 1410

**Legal Deadline:** None

**Abstract:** The objective of this action is to amend the Conservation Reserve Program (CRP) Regulations. The primary determinations are 1) grazing of conserving use acreage during the 7-month period in which it is allowed under the Agricultural Act of 1949, and 2) to remove the reference to 7 CFR 796 regarding controlled substance

violations. No Federal outlays are expected.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC66

**61. ● 1993 OILSEED PROGRAM**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1446 and 1446f; The Agricultural Act of 1949, sec 201 and 205, as amended

**CFR Citation:** 7 CFR 1421

**Legal Deadline:** Final, Statutory, November 15, 1992.

**Abstract:** The objective of this action is to provide an adequate oilseed supply for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. The primary determinations are the loan rates. The net cost is expected to be \$0 to \$25 million.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC68

**62. ● 1993 WHEAT LOAN RATE AND ACREAGE REDUCTION PROGRAM**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1445b-3a; The Agricultural Act of 1949, sec 107B, as amended



**CFR Citation:** 7 CFR 1413; 7 CFR 1421  
**Legal Deadline:** NPRM, Statutory, April 1, 1992. Final, Statutory, June 1, 1992. Other, Statutory, July 31, 1992. The April 1 and June 1, 1992, deadlines are for the ARP level. The July 31, 1992, deadline is for final program adjustments.

**Abstract:** The objective of this action is to assure sufficient supplies of wheat for domestic and export use, support farm income, combat inflation, hold down Government costs, conserve natural resources, and comply with statutory requirements. The primary determinations are 1) loan and purchase rate and 2) Acreage Reduction Program level. The net cost is expected to be \$2 billion to \$3 billion.

**Timetable:**

Action	Date	FR Cite
NPRM	04/06/92	57 FR 11588
NPRM Comment Period End	05/01/92	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC69

**63. ● FARMER-OWNED RESERVE (FOR) PROGRAM FOR THE 1992 CROP OF WHEAT**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1445e; The Agricultural Act of 1949, sec 110, as amended

**CFR Citation:** 7 CFR 1421

**Legal Deadline:** Final, Statutory, December 15, 1992.

**Abstract:** The objective of this action is to formulate and administer a FOR program as required by legislation. The FOR program provides extended loans (at no less than the current loan rate) and storage payments to producers to enable them to store their crops when supplies are abundant, extend the time period for orderly marketing, and provide adequate carryover stocks to ensure a reliable supply. The primary determinations are 1) terms and

conditions, and 2) maximum quantity of wheat to be stored in the FOR. Entry of wheat into the FOR is not expected to be allowed under the statutory conditions for entry, and thus no outlays will occur. If it were allowed (due to different market conditions) entry would be expected to reduce loan redemptions by about \$400 million in FY 1992. Loan redemptions and storage payments in FY's 1993 through 1995 would result in a net cost over the FY 1992-95 period of about \$50 million to \$100 million.

**Timetable:**

Action	Date	FR Cite
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC70

**64. ● FARMER-OWNED RESERVE (FOR) PROGRAM FOR THE 1992 CROP OF FEED GRAINS**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1445e; The Agricultural Act of 1949, Sec. 110, as amended

**CFR Citation:** 7 CFR 1421

**Legal Deadline:** Final, Statutory, March 15, 1993.

**Abstract:** The objective of this action is to formulate and administer a FOR program as required by legislation. The FOR program provides extended loans (at no less than the current loan rate) and storage payments to producers to enable them to store their crops when supplies are abundant, extend the time period for orderly marketing, and provide adequate carryover stocks to ensure a reliable supply. The primary determinations are 1) terms and conditions, and 2) maximum quantity of feed grains to be stored in the FOR. Entry of feed grains into the FOR is not expected to be allowed under the statutory conditions for entry, and thus no outlays would occur. If it were allowed (due to different market conditions) entry would be expected to reduce loan redemptions by about \$400

million in FY 1992. Loan redemptions and storage payments in FY's 1993 through 1995 would result in a net cost over the FY 1992-95 period of about \$50 million to \$100 million.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC71

**65. ● 1993 RICE LOAN RATE AND ACREAGE REDUCTION PROGRAM**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1441-2; The Agricultural Adjustment Act of 1949, sec 101B, as amended

**CFR Citation:** 7 CFR 1413; 7 CFR 1421

**Legal Deadline:** NPRM, Statutory, December 1, 1992. Final, Statutory, January 1, 1993.

**Abstract:** The objective of this action is to assure sufficient supplies of rice for domestic and export use, support farm income, combat inflation, hold down Government costs, conserve natural resources, and comply with statutory requirements. The primary determinations are 1) loan and purchase rate, 2) acreage limitation, 3) marketing loan, and 4) Inventory Reduction Program. The net cost is expected to be \$0.7 to \$1.0 billion.

**Timetable:**

Action	Date	FR Cite
NPRM	09/28/92	57 FR 44512
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC72



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**66. ● COMMON PROVISIONS FOR THE 1993 WHEAT, FEED GRAIN, COTTON AND RICE PROGRAMS****Significance:** Regulatory Program**Legal Authority:** 7 USC 1441-2; 7 USC 1444; 7 USC 1444-2; 7 USC 1444f; 7 USC 1445b-3a; The Agricultural Act of 1949, as amended**CFR Citation:** 7 CFR 1413**Legal Deadline:** None

**Abstract:** The objective of this action is to implement the Wheat, Feed Grain, Cotton, and Rice Programs as required by legislation. Primary determinations are 1) crops to be allowed to be planted on flexible acreage, 2) implementation of Targeted Option Payments, 3) planting of designated crops and conserving crops on Acreage Conservation Reserve (ACR) acreage, and 4) planting of oats on wheat and feed grain ACR. The net cost to the Government is expected to be \$100 million to \$200 million.

**Timetable:**

Action	Date	FR Cite
NPRM	09/17/92	57 FR 42899
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC73**67. ● 1993-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO****Significance:** Agency Priority**Legal Authority:** 7 USC 1314; The Agricultural Adjustment Act of 1938, sec 314, as amended; 7 USC 1445; The Agricultural Act of 1949, sec 106, as amended**CFR Citation:** None**Legal Deadline:** Final, Statutory, December 15, 1992.

**Abstract:** The flue-cured tobacco marketing quota and price support programs are required by legislation. The purpose of quotas and price support is to balance supply with demand at levels assuring stable

supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weights average market prices (2/3) and a cost index (1/3), with discretion to limit any increase to 65 percent of the formula increase. Gross loan outlays of \$47 million are expected in FY 1993 and FY 1994. These outlays will be offset by loan redemptions and no-net-cost assessments in FY 1993 and subsequent years, for a net cost of \$0.

**Timetable:**

Action	Date	FR Cite
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC79**68. ● 1993-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO****Significance:** Agency Priority**Legal Authority:** 7 USC 1314; The Agricultural Adjustment Act of 1938, sec 314, as amended; 7 USC 1445; The Agricultural Act of 1949, sec 106, as amended**CFR Citation:** None**Legal Deadline:** Final, Statutory, February 1, 1993.

**Abstract:** The burley tobacco marketing quota and price support programs are required by legislation. The purpose of the quota and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use, at prices fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weights average market prices (2/3) and a cost

index (1/3), plus discretion to limit any increase to 65 percent of formula increase. Gross loan outlays of \$80 million are expected in FY 1994. These outlays will be offset by loan redemptions and no-net-cost assessments in FY 1994 and subsequent years, for a net cost of \$0.

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC80**69. ● 1993-CROP PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO****Significance:** Agency Priority**Legal Authority:** 7 USC 1445; The Agricultural Act of 1949, sec 106, as amended**CFR Citation:** None**Legal Deadline:** None

**Abstract:** Price support levels for Fire-cured (type 21), Fire-cured (types 22-23), Dark Air-cured (types 35-36), Virginia Sun-cured (types 37), Puerto Rican Cigar Filler (type 46), and Cigar Filler and Binder (types 42-44 and 53-55) are set by statutory formula whenever a marketing quota is in effect. No quota will be in effect for type 46 because supplies are well above the reserve supply level, therefore no price support will be available for this type. Gross loan outlays under the price support and quota program of \$2 million are expected in FY 1992. These outlays will be offset by loan redemptions and no-net-cost assessments in FY 1994 and subsequent years, for a net cost of \$0.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the



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## Final Rule Stage

Deputy Administrator, Policy Analysis,  
Department of Agriculture, Agricultural  
Stabilization and Conservation Service,  
Room 3726-S, P.O. Box 2415,  
Washington, DC 20013, 202 690-4636  
RIN: 0560-AC82

### 70. ● AMENDMENTS TO THE POUNDRAGE QUOTA REGULATIONS FOR THE 1991-95 CROPS OF PEANUTS

**Legal Authority:** 7 USC 1358-1; The  
Agricultural Adjustment Act of 1938,  
sec 358-1, as amended

**CFR Citation:** 7 CFR 729

**Legal Deadline:** None

**Abstract:** The objective of this action is to amend regulations governing peanut poundage quota undermarketings to reflect changes made by the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (P.L. 102-237). The primary determinations are 1) the definition of actual undermarketings, 2) the method for making required quota reductions, and 3) temporary transfer of effective undermarketings. No costs are expected as a result of this action.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/18/92	57 FR 27141
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig,  
Regulatory Analyst, Office of the  
Deputy Administrator, Policy Analysis,  
Department of Agriculture, Agricultural  
Stabilization and Conservation Service,  
Room 3726-S P.O. Box 2415,  
Washington, DC 20013, 202 690-4636

RIN: 0560-AC84

### 71. ● AMENDMENTS TO THE WETLANDS REGULATION REGARDING ABANDONED ACREAGE AND DRAINAGE BY DRAINAGE DISTRICT

**Legal Authority:** 16 USC 3801, 3821-23,  
sec 1201 and 1221-1224; The Food Sec.  
Act of 1985, as amended by sec 1421-  
24(PL101-624)

**CFR Citation:** 7 CFR 12

**Legal Deadline:** None

**Abstract:** This action is necessary to enhance the flexibility of wetland

regulations for producers without imposing any significant cost to the Government or decreasing protection of wetlands. The determinations are 1) Allow any area used for production of any crop or for long term rotation to not be considered an "abandoned" wetland, and 2) Allow areas drained by a drainage district to be planted to forage crops and harvested by mechanical means. The "abandonment" determination will remove an incentive to keep land in intensive production. The drainage determination will allow production on a small number of acres that otherwise would not likely be farmed. The total acreage involved will likely be less than 50,000 acres, and no impacts on prices are expected. Producers' income could increase by up to \$2.5 million per year by the end of ten years through increased efficiency. No cost to Government is expected.

**Timetable:**

Action	Date	FR Cite
NPRM	07/06/92	57 FR 29658
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig,  
Regulatory Analyst, Office of the  
Deputy Administrator, Policy Analysis,  
Department of Agriculture, Agricultural  
Stabilization and Conservation Service,  
Room 3741-S, P.O. Box 2415, 202 690-  
4636

RIN: 0560-AC92

### 72. ● AMENDMENT TO THE CONSERVATION RESERVE REGULATIONS REGARDING SMALL WETLANDS

**Legal Authority:** 16 USC 3830-36, sec  
1230-1235A;; The Food Sec. Act of 1985,  
as amended by sec 1431-37(PL101-624)

**CFR Citation:** 7 CFR 704; 7 CFR 1410

**Legal Deadline:** None

**Abstract:** This action is necessary to enhance the flexibility of the Conservation Reserve Program (CRP) regulations for producers. Since the advent of the Wetland Reserve Program (WRP), USDA has not allowed small farmed wetlands to be entered into the CRP. This has resulted in farmers not being able to enter very small tracts into the CRP while the land all around the small tract could be CRP if 1) no individual wetland in the bid is greater

than 1 acre, 2) total wetlands in the bid are less than 5 acres, and 3) wetlands are no more than 10 percent of the bid. The primary impact of this action will be a reduction in unnecessary regulatory inflexibility. This action will likely affect less than 4,000 acres, and will not affect commodity prices. There will be no significant negative impact on either the CRP or WRP. Other impacts on farm income and efficiency will be negligible. No cost to Government is expected.

**Timetable:**

Action	Date	FR Cite
NPRM	06/25/92	57 FR 28468
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig,  
Regulatory Analyst, Office of the  
Deputy Administrator, Policy Analysis,  
Department of Agriculture, Agricultural  
Stabilization and Conservation Service,  
Room 3741-S, P.O. Box 2415, 202 690-  
4636

RIN: 0560-AC93

### 73. ● GENERAL PRICE SUPPORT REGULATIONS FOR GRAIN, RICE, OILSEEDS, COTTON, AND HONEY FOR THE 1991-95 CROPS

**Significance:** Agency Priority

**Legal Authority:** The Agricultural Act  
of 1949, as amended

**CFR Citation:** 7 CFR 1421; 7 CFR 1427;  
7 CFR 1434

**Legal Deadline:** None

**Abstract:** The objective of this action is to amend the price support program regulations as required by sections 301-701, and 1001 of the Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101-624), and by section 1105(a) and (d) of the Agricultural Reconciliation Act of 1990 (P.L. 101-508). The action will 1) clarify provisions relating to "beneficial interest" for payment eligibility purposes, loan advances by cotton loan clerks, recourse loans for seed cotton, settlement provisions, and loan deficiency payment provisions 2) provide for gin - direct cotton loan deficiency payments, 3) amend the policy for soybean promotion fees, 4) remove high - moisture barley from recourse loan eligibility, 5) remove requirement for lease agreements for



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commodities stored in leased space, 6) provide new penalties for incorrect certification, unauthorized removal, unauthorized disposition of commodities, and 7) make other minor technical corrections.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/92	
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC95

**74. ● 1993-94 MARKETING YEAR PENALTY RATE FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS**

**Legal Authority:** 7 USC 1314; The Agricultural Adjustment Act of 1938, sec 314, as amended

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This action announces the penalty rate for all kinds of tobacco for

the 1993-94 marketing year. Legislation provides that the penalty shall be 75 percent of the previous year's average marketing price. Tobacco producers, warehousemen, and dealers need to be advised of the penalty rate prior to the beginning of the marketing year. No Federal outlays are expected.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC97

**75. ● 1993-CROP SUGAR BEET AND SUGARCANE PRICE-SUPPORT LOAN RATES**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1446g; The Agricultural Act of 1949, sec 200, as amended.

**CFR Citation:** 7 CFR 1435

**Legal Deadline:** None

**Abstract:** The objective of this action is to support the price of domestically produced sugarcane and sugar beets at a level that assures growers and processors of these commodities sufficient income, as required by legislation. The primary determinations are 1) the loan rate for raw cane sugar, 2) the loan rate for refined beet sugar, 3) the minimum support price paid by processors for sugarcane, and 4) the minimum support price paid by processors for sugar beets. The Sugar Program is carried out at no net cost to the government. However, based on latest U.S. consumption and price data, the annual cost to U.S. consumers of sugar and corn sweeteners is around \$2 billion.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC98

**DEPARTMENT OF AGRICULTURE (USDA)**

**Completed Actions**

**Agricultural Stabilization and Conservation Service (ASCS)**

**76. WETLAND RESERVE PROGRAM**

**Significance:** Regulatory Program

**CFR Citation:** 7 CFR 705

**Completed:**

Reason	Date	FR Cite
Final Action	06/04/92	57 FR 23908

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, 202 475-4636

**RIN:** 0560-AC08

**77. 1992 WHEAT LOAN RATE AND ACREAGE REDUCTION LEVEL**

**Significance:** Regulatory Program

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Final Action	04/10/92	57 FR 12406

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, 202 475-4636

**RIN:** 0560-AC30

**78. 1992 FEED GRAIN LOAN RATES AND ACREAGE REDUCTION LEVELS**

**Significance:** Regulatory Program

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Final Action	04/10/92	57 FR 12406

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, 202 475-4636

**RIN:** 0560-AC31

**79. 1992 RICE LOAN RATE AND ACREAGE REDUCTION LEVEL**

**Significance:** Regulatory Program

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Final Action	04/10/92	57 FR 12406

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, 202 475-4636

**RIN:** 0560-AC32



## USDA—ASCS

## Completed Actions

**80. 1992 UPLAND COTTON LOAN RATE AND ACREAGE REDUCTION LEVEL**

Significance: Regulatory Program

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	04/10/92	57 FR 12406

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560-AC33

**81. 1992 WOOL AND MOHAIR PROGRAM**

Significance: Regulatory Program

CFR Citation: 7 CFR 1468; 7 CFR 1472; 7 CFR 1497

Completed:

Reason	Date	FR Cite
Final Action	07/02/92	57 FR 29461

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560-AC34

**82. FARMER-OWNED RESERVE (FOR) PROGRAM FOR THE 1991 CROP OF FEED GRAINS**

Significance: Regulatory Program

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	06/19/92	57 FR 27353

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560-AC36

**83. 1992 OILSEED PROGRAM**

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	04/10/92	57 FR 12406

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560-AC37

**84. 1992-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO**

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	09/18/92	57 FR 43178

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560-AC38

**85. 1992-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO**

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	09/18/92	57 FR 43176

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560-AC39

**86. 1992 EXTRA LONG STAPLE (ELS) COTTON LOAN RATE AND ACREAGE REDUCTION LEVEL**

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	04/10/92	57 FR 12406

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560-AC44

**87. COMMON PROVISIONS FOR THE 1992 WHEAT, FEED GRAIN, COTTON, AND RICE PROGRAMS**

Significance: Regulatory Program

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	04/10/92	57 FR 12406

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 475-4636

RIN: 0560-AC56

**88. SUGAR AND CRYSTALLINE FRUCTOSE INFORMATION REPORTING AND RECORDKEEPING REQUIREMENTS**

Legal Authority: 7 USC 1359; The Agricultural Adjustment Act of 1938, sec 359a, as amended

CFR Citation: 7 CFR 1435

Legal Deadline: None

**Abstract:** The objective of this action is to provide domestic marketing allotments for sugar and crystalline fructose manufactured from corn. Legislation requires all cane sugar refiners, sugar beet processors, and manufacturers of crystalline fructose from corn to furnish the Secretary, on a monthly basis, such information as the Secretary may require with respect to importation, distribution, and stocks of sugar or crystalline fructose. The primary determinations are 1) reporting requirements, 2) civil penalties, 3) appeals, 4) recordkeeping, and 5) verification of compliance. No costs to the Government are expected as a result of this action.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/19/91	56 FR 47351
Final Action	07/21/92	57 FR 32155

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service.



## USDA—ASCS

## Completed Actions

Room 3726-S, P.O. Box 2415,  
Washington, DC 20013, 202 690-4636  
RIN: 0560-AC58

**89. ● UPLAND COTTON MARKETING CERTIFICATE PROVISIONS**

**Significance:** Regulatory Program.

**Legal Authority:** 7 USC 1444-2; The Agricultural Act of 1949, sec 103B(a), as amended

**CFR Citation:** 7 CFR 1427

**Legal Deadline:** None

**Abstract:** The objective of this action is to amend regulations governing the First Handlers and Domestic Users/Exporters Marketing Certificate Programs to 1) allow payments to be made in cash as well as certificates, and 2) prohibit payments whenever the average world price for upland cotton exceeds 130 percent of the loan rate, and the U.S. Northern Europe price calculation, adjusted for the value of any certificate issued, exceeds the Northern Europe calculation by more than 1.25 cents per pound for the immediately preceding 10-week period.

**Timetable:**

Action	Date	FR Cite
Final Action	04/20/92	57 FR 14326

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

RIN: 0560-AC62

**90. ● APPLICABILITY OF THE REGULATIONS GOVERNING REDUCTIONS IN THE PRICE OF MILK MARKETED BY PRODUCERS, JANUARY 1, 1991 THROUGH DECEMBER 31, 1995**

**Legal Authority:** 7 USC 1446e; The Agricultural Act of 1949, sec 204, as amended

**CFR Citation:** 7 CFR 1430

**Legal Deadline:** None

**Abstract:** The objective of this action is to exempt producers of milk in Alaska, the District of Columbia, Hawaii, Puerto Rico, and the territories of the U.S. from

marketing assessments, as provided by the Food, Agriculture, Conservation, and Trade Act Amendments of 1991. This action will be retroactively applicable beginning January 1, 1991. Refunds of approximately \$450,000 will be paid in 1991, and CCC revenues will be reduced by an estimated \$950,000 per year for calendar years 1992-95.

**Timetable:**

Action	Date	FR Cite
Final Action	07/13/92	57 FR 30897

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

RIN: 0560-AC67

**91. ● 1992-93 MARKETING YEAR PENALTY RATE FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS**

**Legal Authority:** 7 USC 1314; The Agricultural Adjustment Act of 1938, sec 314, as amended

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The objective of this action is to announce the penalty rate for all kinds of tobacco for the 1992-93 marketing year. Legislation provides that the penalty rate shall be 75 percent of the previous year's average market price. No Federal outlays are expected as a result of this action.

**Timetable:**

Action	Date	FR Cite
Final Action	07/29/92	57 FR 33481

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

RIN: 0560-AC77

**92. ● AMENDMENT TO TOBACCO PROGRAM REGULATIONS INCORPORATING BENEFICIAL INTEREST TRANSFERS**

**Legal Authority:** The Agricultural Act of 1949, sec 106, as amended

**CFR Citation:** 7 CFR 1464

**Legal Deadline:** None

**Abstract:** The objective of this action is to include the definition of "beneficial interest" in tobacco pledged as collateral for a price support loan. Presently, some producers are relinquishing their beneficial interest in the crop by accepting monetary advances from warehouse operators or dealers. These merchandisers will, in turn, pledge the tobacco for price support loans. This action will make Tobacco Program regulations comparable to other commodities in that the crop must remain under control of the producer to be eligible for price support. No Federal outlays are expected as a result of this action.

**Timetable:**

Action	Date	FR Cite
NPRM	06/29/92	57 FR 28801
NPRM Comment Period End	07/14/92	
Final Action	09/21/92	57 FR 43580

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

RIN: 0560-AC78

**93. ● AMENDMENTS TO THE RICE PROGRAM REGULATIONS REGARDING ANNOUNCEMENT TIME OF THE ADJUSTED WORLD PRICE AND CALCULATION OF LOAN DEFICIENCY PAYMENT RATES**

**Legal Authority:** 7 USC 1441-2; The Agricultural Act of 1949, sec 101B, as amended

**CFR Citation:** 7 CFR 1421.25

**Legal Deadline:** None

**Abstract:** The objective of this action is to amend existing Rice Program regulations to provide for 1) announcing the adjusted world price (AWP) of rice at 7:00 a.m. Eastern time each Tuesday



## USDA—ASCS

## Completed Actions

instead of the current time of 3:00 p.m. each Tuesday so that only one AWP is effective each workday, and 2) calculation of loan deficiency payment (LDP) rates and marketing loan gains based on national average milling yields instead of the yields of individual quantities for which the payment is requested. This change will reduce administrative burdens, speed program disbursements, and reduce gross loan outlays because it will encourage producers to take the LDP instead of pledging their rice as collateral for a price support loan. No costs are expected as a result of this action.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/91	56 FR 55473
Final Action	02/06/92	57 FR 4543

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC85

#### 94. ● AMENDMENTS TO THE PRICE SUPPORT LOAN PROGRAM REGULATIONS FOR 1991-1995 CROPS OF SUGAR BEETS AND SUGARCANE

**Legal Authority:** 7 USC 1425; 7 USC 1446g; The Agricultural Act of 1949, sec 206 and 405, as amended

**CFR Citation:** 7 CFR 1435

**Legal Deadline:** None

**Abstract:** The objective of this action is to implement changes to the price support provisions of the sugar program, as required by the Food, Agriculture, Conservation, and Trade Act Amendments of 1991. The primary determinations are 1) loan availability for sugarcane harvested during July, August, and September, 2) CCC security interest on raw cane sugar and refined beet sugar pledged as collateral, and 3) lien waiver requirements. No direct outlays are expected as a result of this action.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/10/92	57 FR 12410
Final Action	08/20/92	57 FR 37685

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC88

#### 95. ● 1990- AND 1991-CROP DISASTER PROGRAM

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1421; The Food, Agriculture, Conservation, and Trade Act of 1990; PL 102-229; The Disaster Assistance Act of 1991

**CFR Citation:** 7 CFR 1477

**Legal Deadline:** None

**Abstract:** The objective of this action is to provide disaster assistance for either 1990 or 1991 crop losses for program and non-program crops including orchards, forest crops, ornamentals, roses, and turf, under the same provisions as the Food, Agriculture, Conservation, and Trade Act of 1990. The primary determinations are 1) basis for determining actual and expected production, 2) whether to make crop quality reduction payments, 3) payment yields, 4) whether to permit substitution of crop insurance yields in lieu of farm program payment yields for determining eligible losses and payments, 5) current and historical acreage, 6) offset for replacement crops and crop insurance indemnification, 7) calculation of the National Factor to be used to ensure that total payments do not exceed the appropriation, and 8) establishment of a reserve for errors and appeals. The expected cost of this action is \$1,750 million.

**Timetable:**

Action	Date	FR Cite
Final Action	03/31/92	57 FR 10960

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the

Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 690-4636

**RIN:** 0560-AC89

#### 96. ● TECHNICAL CORRECTIONS TO THE PRODUCTION ADJUSTMENT REGULATIONS GOVERNING THE WHEAT, FEED GRAIN, COTTON AND RICE PROGRAMS

**Legal Authority:** 7 USC 1421; The Agricultural Act of 1949, as amended

**CFR Citation:** 7 CFR 1413

**Legal Deadline:** None

**Abstract:** The objective of this action is to revise regulations governing the Wheat, Feed Grain, Cotton, and Rice Programs. The primary amendments will 1) authorize planting of crambe and sesame on 0.50/92 acres for the 1992-95 crops, 2) add millet to the list of "industrial and other" crops (authority to plant these crops on 0.50/92 acreage will remain discretionary), 3) delete the clause "will not affect farm income adversely" from the conditions for allowing industrial and other crops on 0.50/92, 4) when minor oilseeds, sesame, or crambe are planted on 0.50/92, allow subsequent planting, within the same crop year, of crops allowed to be planted on flexible acres (except program crops); if the second crop is soybeans, producers must have planted soybeans in three of the five previous years; the second crop will not be eligible for loans, 5) combine permitted acres of corn and sorghum, and 6) delete "75 percent" factor for wheat, barley, and oats payments to be made in 12/94 and 12/95. Only minor administrative costs will be incurred as a result of this action.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/20/92	57 FR 14456
Final Action	08/04/92	57 FR 34201

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service,



## USDA—ASCS

## Completed Actions

Room 3726-S, P.O. Box 2415,  
Washington, DC 20013, 202 690-4636

RIN: 0560-AC90

BILLING CODE 3410-05-F

## DEPARTMENT OF AGRICULTURE (USDA)

## Prerule Stage

## Animal and Plant Health Inspection Service (APHIS)

**97. REVISION OF 7 CFR 319.56,  
IMPORTATION OF FRUITS AND  
VEGETABLES**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 150dd to 150ff;  
7 USC 154; 7 USC 155; 7 USC 157; 7  
USC 159; 7 USC 160; 7 USC 162; 7 USC  
164a

**CFR Citation:** 7 CFR 319.56

**Legal Deadline:** None

**Abstract:** To prevent the introduction of plant pests, APHIS prohibits or restricts the importation of various fruits and vegetables. APHIS is updating the regulations governing the importation of fruits and vegetables. The revised regulations will allow the importation of certain fruits and vegetables under appropriate regulatory controls.

**Timetable:**

**Action 1**

NPRM 06/15/92 (57 FR 26620)  
NPRM Comment Period End 07/30/92  
Final Action 11/30/92  
Final Action Effective 12/30/92

**Action 2**

ANPRM 11/00/92  
ANPRM Comment Period End 03/00/93  
NPRM 00/00/00

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Mr. Frank Cooper,  
Senior Operations Officer, Plant  
Protection and Quarantine, Department  
of Agriculture, Animal and Plant Health  
Inspection Service, Room 639-C Federal  
Building, 6505 Belcrest Road,  
Hyattsville, MD 20782, 301 436-3249

RIN: 0579-AA12

**98. IMPORTATION OF  
UNMANUFACTURED WOOD**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 150dd; 7 USC  
150ee; 7 USC 150ff; 7 USC 151 to 167

**CFR Citation:** 7 CFR 319

**Legal Deadline:** None

**Abstract:** USDA is developing regulations to restrict the importation of certain types of manufactured wood, such as logs, lumber, wood chips, bark, and pulp wood. There are a variety of plant pests and diseases associated with these articles, and there has recently been increased interest in importing large quantities of these articles into the U.S. At this time we are considering prohibiting the importation of logs and unmanufactured wood from certain tree genera and

species, unless they meet importation criteria contained in the regulations and are imported under a permit issued by APHIS. The trees we are considering regulating in this manner are: all coniferous species; *Carya*; *Fagus*; *Juglans*; *Liquidambar*; *Liriodendron*; *Nyssa*; *Populus*; *Quercus*; *Salix*; and *Thuja*. The importation criteria would address the genus or species of the tree; the nature of the wood article; the country or area of origin; and methods by which the trees were harvested, stored, and treated.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/22/92	57 FR 43628
ANPRM	11/23/92	
Comment		
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** Local,  
State

**Agency Contact:** Mr. Michael J.  
Shannon, Chief Operations Officer,  
Operational Support, PPQ, Department  
of Agriculture, Animal and Plant Health  
Inspection Service, Room 814, Federal  
Building, 6505 Belcrest Road,  
Hyattsville, MD 20782, 301 436-8716

RIN: 0579-AA47

## DEPARTMENT OF AGRICULTURE (USDA)

## Proposed Rule Stage

## Animal and Plant Health Inspection Service (APHIS)

**99. EXOTIC NEWCASTLE DISEASE IN  
ALL BIRDS AND POULTRY;  
PSITTACOSIS AND ORNITHOSIS IN  
POULTRY**

**Significance:** Regulatory Program

**Legal Authority:** 21 USC 111 to 113; 21  
USC 115; 21 USC 117; 21 USC 120; 21  
USC 123 to 126; 21 USC 134b; 21 USC  
134f

**CFR Citation:** 9 CFR 82

**Legal Deadline:** None

**Abstract:** Exotic Newcastle Disease (also known as viscerotropic velogenic Newcastle disease and as VVND) and psittacosis or ornithosis (now generally referred to as chlamydiosis) are communicable diseases of birds and poultry. The spread of these diseases in the United States could have serious consequences for the United States poultry industry. A review of the Department's regulations to prevent the interstate spread of these diseases indicates the need for a complete revision to make the regulations more

effective and to increase compliance with them.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment	04/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Dr. M.A. Mixson,  
Chief Staff Veterinarian, Emergency



USDA—APHIS

Proposed Rule Stage

Programs Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 747, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8073

RIN: 0579-AA22

**100. IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS—COMMUNICABLE ANIMAL DISEASES**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

**CFR Citation:** 9 CFR 92

**Legal Deadline:** None

**Abstract:** The Department currently regulates the importation of certain animals and animal products to prevent the introduction of communicable animal diseases into the United States. With certain exceptions, most animals imported into the United States must be quarantined upon arrival at facilities operated by the Federal Government; only sheep, birds, and horses may be quarantined in privately operated facilities. Some importers have expressed interest, however, in importing ruminants and swine, other than sheep, in greater numbers per shipment than can be handled at existing Federal facilities. The Department is considering amending the regulations to allow other species of domesticated ruminants and swine, from countries free of certain serious diseases, to be quarantined upon arrival in the United States at privately operated facilities.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Samuel Richeson, Senior Staff Veterinarian, Import-Export Animals Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 764 Federal

Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8170

RIN: 0579-AA28

**101. REGULATION OF HORSES AND FARM ANIMALS UNDER THE ANIMAL WELFARE ACT**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2131 to 2157

**CFR Citation:** 9 CFR 1; 9 CFR 2; 9 CFR 3

**Legal Deadline:** None

**Abstract:** The Department is authorized to regulate the treatment of certain horses and other farm animals under the Animal Welfare Act (the Act). Under the Act, the Department is authorized to regulate the treatment of horses used for research purposes, and is authorized to regulate the treatment of other farm animals, unless those animals are used or intended for use as food or fiber, for breeding management or production efficiency, or for improving the quality of food fiber. As a matter of policy, however, the Department has not been regulating such horses and other farm animals. However, because of the increasing use of these animals for research purposes, the Department has given notice of its intent to regulate such animals, and has requested comments on standards to be developed for the inclusion of these animals under the regulations. These actions will help ensure that the animals are treated humanely, in accord with the Act.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/05/90	55 FR 12667
ANPRM Comment Period Extended	06/12/90	55 FR 23748
ANPRM Comment Period Extended	07/12/90	55 FR 28638
ANPRM Comment Period End	09/10/90	
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Dr. R.L. Crawford, Director, Animal Care, Regulatory Enforcement and Animal Care, Department of Agriculture, Animal and

Plant Health Inspection Service, Room 565, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-7833

RIN: 0579-AA31

**102. NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES**

**Significance:** Regulatory Program

**Legal Authority:** 40 USC 4321

**CFR Citation:** 7 CFR 372

**Legal Deadline:** None

**Abstract:** The National Environmental Policy Act (NEPA) (42 USC 4321, et seq.) and the regulations promulgated by the Council on Environmental Quality (CEQ) (40 CFR 1500 et seq.) require that every Federal agency establish procedures to implement NEPA. The proposed APHIS NEPA Implementing Procedures have been developed to ensure compliance with NEPA and are consistent with the Regulations of CEQ for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1509) and the USDA Regulations for Implementing NEPA (7 CFR 1b). These Agency-specific procedures will enable APHIS decision makers to reach decisions in which environmental concerns are fully reviewed and will ensure timely public involvement in the NEPA process. The procedures will identify Agency actions, requirements, guidance, and references for completion of environmental assessments, and environmental reviews. The new APHIS NEPA Implementing Procedures will supersede the previous issues, APHIS Guidelines for Implementing NEPA Procedures (44 FR 50381-50384 and 44 FR 51272-51274), upon publication of the final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Mr. Carl Bausch, Deputy Director, Environmental Documentation, Department of Agriculture, Animal and Plant Health Inspection Service, Room 828, Federal



## USDA—APHIS

## Proposed Rule Stage

Building, 6505 Belcrest Road,  
Hyattsville, MD 20782, 301 438-8565

RIN: 0579-AA33

### 103. CYCLICAL REVIEW OF 9 CFR PART 92, PHASE II

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

**CFR Citation:** 9 CFR 92

**Legal Deadline:** None

**Abstract:** The Department is reviewing the regulations in 9 CFR part 92, which, among other things, govern the importation into the United States of certain animals and poultry, and certain animal and poultry products. This is in compliance with Executive Order 12291 and Departmental Regulation 1512-1, which requires agencies to periodically review regulations.

The Department is conducting this Cyclical Review in phases. Phase I, effective August 2, 1990, reorganized the regulations. The Department is now starting Phase II. Subpart F (Dogs) of 9 CFR Part 92 has been reviewed and a notice of proposed rulemaking will be published. Reviews of the other subparts will follow. If the Department determines those regulations should be changed, notices of proposed rulemaking will be published.

#### Timetable:

##### Subpart F

NPRM 01/00/93

NPRM Comment Period End 03/00/93

Final Action 00/00/00

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Robert Whiting, Chief Staff Veterinarian, Import-Export Animals Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 760, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 438-8590

RIN: 0579-AA34

### 104. IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS—PREVENTION OF POULTRY DISEASES

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

**CFR Citation:** 9 CFR 92

**Legal Deadline:** None

**Abstract:** The Department currently regulates the importation of poultry and poultry products, including eggs for hatching, to prevent the introduction of certain poultry diseases into the United States. We are considering revising these regulations to add restrictions to prevent the introduction of Salmonella enteritidis, serotype enteritidis, phage-type 4 (referred to below as S. enteritidis, phage-type 4), a virulent type of Salmonella that has not been detected in poultry flocks in the United States. Canada is the only country other than the United States in which poultry flocks are recognized as being free of S. enteritidis, phage-type 4. Safeguards under consideration include testing of individual poultry of the flock of origin in the country of origin, and testing and inspection during quarantine in the United States.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Keith Hand, Senior Staff Veterinarian, Import-Export Animals Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 830, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 438-8172

RIN: 0579-AA38

### 105. GYPSY MOTH

**Significance:** Agency Priority

**Legal Authority:** 7 USC 150bb; 7 USC 150dd to 150ff; 7 USC 161; 7 USC 162; 7 USC 164 to 167

**CFR Citation:** 7 CFR 301.45

**Legal Deadline:** None

**Abstract:** Current regulations quarantine certain States to control Gypsy Moth, establish high-risk and low-risk regulated areas within those States, and restrict the interstate movement of regulated articles and outdoor household articles from regulated areas. Plant Protection and Quarantine is developing new definitions and restrictions for these areas and articles to more effectively control Gypsy Moth.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	01/00/93	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Mr. Thomas Flanigan, Operations Officer, Operational Support, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Room 646, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 438-8247

RIN: 0579-AA39

### 106. RUMINANTS AND SWINE IMPORTED FROM FOOT-AND-MOUTH-DISEASE COUNTRIES

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

**CFR Citation:** 9 CFR 92

**Legal Deadline:** None

**Abstract:** Current regulations prohibit, with certain limited exceptions, the importation of ruminants and swine from countries where foot-and-mouth disease (FMD) exists. However, the regulations are unclear with respect to the application of this prohibition to animals that originate in an FMD country but are moved to a FMD-free country and are then offered for importation into the United States. Veterinary Services is developing regulations to clarify import restrictions for these situations.



## USDA—APHIS

## Proposed Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment Period End	05/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Samuel Richeson, Senior Staff Veterinarian, Import-Export Products Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 759, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8144

RIN: 0579-AA40

### 107. IMPORTATION OF NURSERY STOCK PLANTS, ROOTS, BULBS, SEEDS, AND OTHER PLANT PRODUCTS - PHASE II

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 150dd to 150ff; 7 USC 154; 7 USC 155; 7 USC 157; 7 USC 159; 7 USC 160; 7 USC 162; 7 USC 164a

**CFR Citation:** 7 CFR 319.37

**Legal Deadline:** None

**Abstract:** To prevent the introduction of plant pests and diseases, Plant Protection and Quarantine (PPQ) prohibits or restricts the importation of living plants, roots, bulbs, seeds, and related articles. PPQ is updating the lists of those prohibited and restricted articles and is revising the regulatory requirements for the importation of various articles, including imported plants established in growing media.

## Timetable:

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	03/00/93	
Final Action	07/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Mr. Frank Cooper, Senior Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 639-C, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-3249

RIN: 0579-AA41

## 108. USER FEES

**Significance:** Regulatory Program

**Legal Authority:** PL 101-508; PL 101-624

**CFR Citation:** 7 CFR 319.8-25; 7 CFR 319.27-10; 7 CFR 319.37-13; 7 CFR 319.55-6(c)(1); 7 CFR 319.56-2b(a)(5); 7 CFR 319.56-2f(a)(7); 7 CFR 319.56-2j(a)(5); 7 CFR 319.56-2k(f); 7 CFR 319.56-2l(a)(5); 7 CFR 319.56-2m(d); 7 CFR 319.56-2n(d); 7 CFR 319.56-2o(d); 7 CFR 319.56-2p(b)(7); 7 CFR 319.56-2q(b); 7 CFR 352.14

**Legal Deadline:** None

**Abstract:** The Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508) and the Food, Agriculture, Conservation and Trade Act of 1990 (P.L. 101-624) authorize the Secretary of Agriculture to prescribe and collect fees to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of international passengers, commercial vessels, commercial aircraft, and commercial trucks or railroad cars. APHIS is already collecting fees for certain services, including agricultural quarantine and inspection services, export services, and animal import services. APHIS plans to collect fees for veterinary diagnostics and reagents, additional animal import services, and preclearance or preinspection services at sites outside the customs territory of the United States.

## Timetable:

## Phase 1

NPRM	02/27/91 (56 FR 8148)
NPRM Comment Period End	03/14/91
Final Action, AQI Services	04/12/91 (56 FR 14837)
Final Action, Hawaii/Puerto Rico	04/23/91 (56 FR 18496)
Final Action Eff., AQI Services	05/13/91
Final Action Eff., HI/PR	08/01/91
Final Action Eff., HI/PR: Postponed	08/01/91 (56 FR 36724)
Final Action Eff., HI/PR: Postponed	09/30/91 (56 FR 49389)
Final Action, HI/PR: Withdrawn	04/21/92 (57 FR 14475)

## Phase 2

NPRM	08/07/91 (56 FR 37481)
NPRM Comment Period End	09/06/91
Final Action	01/09/92 (57 FR 755)
Final Action Effective	02/09/92
2nd NPRM, Diagnostics/Reagents	12/00/92
2nd NPRM Comment Period End	02/00/93
Final Action, Diagnostics/Reagents	00/00/00

## Phase 3

NPRM, Border Svcs./Facility Insp.	00/00/00
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**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Ms. Barbara L. Thompson, Chief, User Fee Branch, Management and Budget, Department of Agriculture, Animal and Plant Health Inspection Service, Room 263, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-5901

RIN: 0579-AA43

### 109. ● CHICKEN DISEASE CAUSED BY SALMONELLA ENTERITIDIS

**Significance:** Regulatory Program

**Legal Authority:** 21 USC 111; 21 USC 134a; 21 USC 134f

**CFR Citation:** 9 CFR 82

**Legal Deadline:** None

**Abstract:** Disease caused by the bacterium known as Salmonella enteritidis serotype enteritidis (referred to below as SE) is a serious problem in egg-type chicken breeding flocks and egg production flocks, and is also a serious public health concern. The Animal and Plant Health Inspection Service (APHIS) has established regulations to control the spread of SE in egg-type chicken breeding flocks and egg production flocks, and continues to work to reduce the impact of SE on the poultry industry and consumer health. Under the current APHIS regulatory program, study flocks are identified through traceback of eggs implicated in human outbreaks of SE, these study flocks are subjected to testing for SE, and if the flocks test positive for SE, interstate movement of articles from the flocks is restricted. We are currently working with other agencies including the Agricultural Marketing Service, the Food and Drug Administration, and the Centers for Disease Control to evaluate the success of this approach and determine whether to propose changes



## USDA—APHIS

## Proposed Rule Stage

to the regulatory procedures of the current program.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Dr. John Mason, Director, Salmonella Task Force, Veterinary Service, Department of Agriculture, Animal and Plant Health Inspection Service, Room 205, Presidential Building, 6525 Belcrest Road, Hyattsville, MD 20782, 301 436-4363

RIN: 0579-AA48

**110. ● PSEUDORABIES**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 111 to 113; 21 USC 115; 21 USC 117; 21 USC 120; 21 USC 121; 21 USC 123 to 126; 21 USC 134b; 21 USC 134f

**CFR Citation:** 9 CFR 85

**Legal Deadline:** None

**Abstract:** Pseudorabies, also known as Aujeszky's disease, mad itch, and infectious bulbar paralysis, is caused by a herpes virus and is primarily a disease of swine. The spread of this disease in the United States could have serious consequences for the United States livestock industry. A review of the Department's regulations to prevent the interstate spread of this disease indicates the need for a complete revision to make the regulations more effective and to increase compliance with them.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State, Federal

**Agency Contact:** Dr. W.C. Stewart, Chief Staff Veterinarian, Swine Diseases Section, Department of Agriculture, Animal and Plant Health Inspection Service, Room 735, Federal

Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-7767

RIN: 0579-AA49

**111. ● IMPORTATION OF CERTAIN DRIED PORK PRODUCTS**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 147a; 7 USC 150ee; 7 USC 161; 7 USC 162; 7 USC 450; 19 USC 1306; 21 USC 111; 21 USC 114a; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134f; 31 USC 9701; 42 USC 4331; 42 USC 4332

**CFR Citation:** 9 CFR 94

**Legal Deadline:** None

**Abstract:** The Federal government has responsibility for preventing the introduction into the United States of various diseases of livestock, including foot-and-mouth disease, rinderpest, African swine fever, and swine vesicular disease. To fulfill this responsibility, it is necessary for the Federal government to revise and update its regulations concerning the importation of pork products, based upon the methods and procedures used to process pork products. APHIS is developing regulations that would allow certain dry-cured pork products to be imported into the United States. Only hams and loins derived from certain breeds of swine and processed in a specified manner would be allowed to be imported.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. John H. Blackwell, Senior Staff Microbiologist, Import-Export Products Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 758, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-7865

RIN: 0579-AA50

**112. ● ADDITION OF CERVIDAE, CAMELIDAE, AND CERTAIN BOVIDAE OTHER THAN CATTLE AND BISON TO THE REGULATIONS CONCERNING TUBERCULOSIS IN LIVESTOCK**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 111 to 113; 21 USC 114; 21 USC 114a; 21 USC 114a-1; 21 USC 115 to 117; 21 USC 120 to 126; 21 USC 134b; 21 USC 134f

**CFR Citation:** 9 CFR 50; 9 CFR 71; 9 CFR 77

**Legal Deadline:** None

**Abstract:** Bovine tuberculosis is a contagious, infectious, and communicable disease affecting cattle, bison, and other species, including humans. The spread of bovine tuberculosis in the United States could have serious consequences for the United States cattle and bison industries, as well as for human health. Currently, the regulations concerning control and eradication programs for bovine tuberculosis in livestock only regulate cattle, bison, and swine. Recent outbreaks in the United States of bovine tuberculosis in semi-domesticated herds of cervidae (such as deer and elk), camelidae (such as llamas and alpacas), and certain bovidae other than cattle or bison (such as antelope) have made apparent the need to also regulate these animals in order to prevent the spread of bovine tuberculosis.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Interim Final Rule	08/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State, Federal

**Agency Contact:** Dr. Ronald A. Stenseng, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 734, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8715

RIN: 0579-AA53



**DEPARTMENT OF AGRICULTURE (USDA)**  
**Animal and Plant Health Inspection Service (APHIS)**

Final Rule Stage

**113. IMPORTED FIRE ANT****Significance:** Regulatory Program**Legal Authority:** 7 USC 150bb; 7 USC 150dd; 7 USC 150ee; 7 USC 150ff; 7 USC 161 to 162; 7 USC 164 to 167**CFR Citation:** 7 CFR 301**Legal Deadline:** None

**Abstract:** The Department is proposing to revise "Subpart--Imported Fire Ant," which contains quarantine and interstate movement regulations for the containment and control of this destructive plant pest. Executive Order 12291 and Department Regulation 1512-1 require that agencies initiate reviews of currently effective rules to bring about the goal of reduction of regulatory burdens and to minimize impacts on small entities. The proposed rule is part of the scheduled review of "Subpart--Imported Fire Ant" to meet regulatory review requirements. Revising the regulations would make them easier to understand, thereby increasing compliance and the effectiveness of the regulations in preventing the interstate spread of the imported fire ant.

**Timetable:**

Action	Date	FR Cite
NPRM	10/30/91	56 FR 55830
NPRM Comment	12/30/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Mr. Mike Stefan, Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 661 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-6365

**RIN:** 0579-AA25

**114. HONEYBEES AND HONEYBEE SEMEN; REMOVING CERTAIN RESTRICTIONS ON HONEYBEES AND HONEYBEE SEMEN FROM NEW ZEALAND**

**Significance:** Agency Priority**Legal Authority:** 7 USC 281**CFR Citation:** 7 CFR 322**Legal Deadline:** None

**Abstract:** The regulations governing the importation into the United States of

honeybees and honeybee semen contain the criteria used for determining which countries may import honeybees and honeybee semen and under what conditions. This change will allow the importation of honeybees and honeybee semen from New Zealand, for other than research purposes, if accompanied by a certificate of origin.

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/90	55 FR 3968
NPRM Comment	02/21/90	
Period End		
NPRM Comment	03/02/90	55 FR 7499
Period Extended		
NPRM Comment	04/02/90	
Period End		
Final Action	09/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Mr. Philip J. Lima, Staff Specialist, Biological Assessment & Taxonomic Support, Department of Agriculture, Animal and Plant Health Inspection Service, Room 624, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8677

**RIN:** 0579-AA37

**115. ANIMAL WELFARE; RANDOM SOURCE DOGS AND CATS**

**Significance:** Regulatory Program**Legal Authority:** 7 USC 2131 to 2157**CFR Citation:** 9 CFR 2**Legal Deadline:** Other, Statutory, May 25, 1991.

**Abstract:** Section 2503 of the Farm Bill, entitled "Protection of Pets," instructs APHIS to amend the Animal Welfare regulations to require that dogs and cats be held for at least 5 days at pounds and shelters and at licensed research facilities. Additionally, the Farm Bill instructs APHIS to require that dealers provide a valid certification to anyone acquiring random source dogs and cats from those dealers. The certification would have to identify the dealer, the animal, and the source of the animal, and would have to accompany the shipment of the animal. The intent of these provisions is to prevent stolen animals from being entered into research

channels and to provide owners with the opportunity to locate their animals.

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/91	56 FR 57991
NPRM Comment	12/16/91	
Period End		
Final Action	02/00/93	

**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Dr. Joan Arnoldi, Deputy Administrator, Regulatory Enforcement and Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Room 558, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301 436-8323

**RIN:** 0579-AA42

**116. ACCREDITATION OF VETERINARIANS**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1828; 21 USC 105; 21 USC 111 to 114; 21 USC 114a; 21 USC 114a-1; 21 USC 115; 21 USC 116; 21 USC 120; 21 USC 121; 21 USC 125; 21 USC 134b; 21 USC 134f; 21 USC 612; 21 USC 613

**CFR Citation:** 9 CFR 160; 9 CFR 161; 9 CFR 162**Legal Deadline:** None

**Abstract:** Some veterinarians are accredited by the Federal government to cooperate with APHIS in controlling and preventing the spread of animal diseases throughout the United States and the world. The Department is proposing to establish accreditation on a national, rather than a State, basis and revise the procedures for issuing, suspending, and revoking accredited veterinarian status. The proposed changes are intended to ensure that an adequate number of qualified accredited veterinarians are available in the United States to perform necessary animal health activities.

**Timetable:**

Action	Date	FR Cite
NPRM	06/06/92	57 FR 23540
NPRM	06/06/92	57 FR 23540
NPRM Comment	07/06/92	
Period End		
NPRM Comment	07/06/92	
Period End		



## USDA—APHIS

Final Rule Stage

Action	Date	FR Cite	Small Entities Affected: None	Agriculture, Animal and Plant Health Inspection Service, Room 769, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-6954
NPRM Comment Period Extended	07/09/92	57 FR 30432	<b>Government Levels Affected:</b> State, Federal	
NPRM Comment Period End	07/24/92		<b>Agency Contact:</b> Dr. J.A. Heamon, Staff Veterinarian, Sheep, Goat, Equine, & Poultry Disease Staff, Department of	<b>RIN:</b> 0579-AA52
Final Action	10/00/92			

## DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

## Animal and Plant Health Inspection Service (APHIS)

**117. IMPORTATION OF NURSERY STOCK, PLANTS, ROOTS, BULBS, SEEDS, AND OTHER PLANT PRODUCTS - PHASE I****Significance:** Regulatory Program**CFR Citation:** 7 CFR 319.37**Completed:**

Reason	Date	FR Cite
Final Action	09/18/92	57 FR 43134

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Mr. Frank Cooper, 301 436-3249**RIN:** 0579-AA21**118. ANIMALS DESTROYED BECAUSE OF SCRAPIE****Significance:** Regulatory Program**CFR Citation:** 9 CFR 54**Completed:**

Reason	Date	FR Cite
Final Action	07/30/92	57 FR 33625
Final Action Effective	10/01/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Local, State, Federal**Agency Contact:** Dr. William E. Ketter, 301 436-6954**RIN:** 0579-AA24**119. BROADLEAF PAPER BARK TREE; NOXIOUS WEED****Significance:** Agency Priority**CFR Citation:** 7 CFR 360**Completed:**

Reason	Date	FR Cite
Final Action	03/13/92	57 FR 8837
Final Action Effective	04/13/92	

**Small Entities Affected:** None**Government Levels Affected:** State, Federal**Agency Contact:** Mr. Thomas G. Flanigan, 301 436-8247**RIN:** 0579-AA46

BILLING CODE 3410-34-F

## DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

## Cooperative State Research Service (CSRS)

**120. HIGHER EDUCATION CHALLENGE GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS****Significance:** Agency Priority**Legal Authority:** 7 USC 3152**CFR Citation:** 7 CFR 3405**Legal Deadline:** None

**Abstract:** Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and the award of project grants under the Higher Education Challenge Grants Program.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/92	
Provision to OMB for Publication	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Louise Ebaugh, Grant Program Specialist, Department of Agriculture, Cooperative State Research Service, Rm 310E Aerospace Center Building, 14th Street & Independence Ave. SW., Washington, DC 20250-2200, 202 401-1790

**RIN:** 0524-AA02**121. 1890 INSTITUTION CAPACITY BUILDING GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS****Significance:** Agency Priority**Legal Authority:** 7 USC 3318**CFR Citation:** 7 CFR 3406**Legal Deadline:** None

**Abstract:** Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and the award of project grants under the 1890 Institution Capacity Building Grants Program.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/92	
Provision to OMB for Publication	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Richard Hood, Grant Program Specialist, Department of Agriculture, Cooperative State Research Service, Rm 310E Aerospace Center, 14th Street & Independence Ave. SW., Washington DC 20250-2200, 202 401-1790

**RIN:** 0524-AA03**122. RANGELAND RESEARCH GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS****Significance:** Agency Priority**Legal Authority:** 7 USC 3333**CFR Citation:** 7 CFR 3401



## USDA—CSRS

## Prerule Stage

**Legal Deadline:** None

**Abstract:** Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and the award of project grants under the Rangeland Research Grants Program.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Terry J. Pacovsky, Director Awards Management Division, Department of Agriculture, Cooperative State Research Service, Rm 322B

Aerospace Center Building, Washington, DC 20250-2200, 202 401-5024

**RIN:** 0524-AA04

**123. ● BIOTECHNOLOGY RISK ASSESSMENT RESEARCH GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 5921

**CFR Citation:** 7 CFR 3415

**Legal Deadline:** None

**Abstract:** Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and the

award of project grants under the Biotechnology Risk Assessment Research Grants Program.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Terry J. Pacovsky, Director Awards Management Division, Department of Agriculture, Cooperative State Research Service, Rm 322B Aerospace Center Building, Washington, DC 20250-2200, 202 401-5024

**RIN:** 0524-AA05

## DEPARTMENT OF AGRICULTURE (USDA)

## Completed Actions

## Cooperative State Research Service (CSRS)

**124. USDA GUIDELINES FOR RESEARCH INVOLVING PLANNED INTRODUCTION INTO THE ENVIRONMENT OF ORGANISMS WITH DELIBERATELY MODIFIED HEREDITARY TRAITS**

**Significance:** Regulatory Program

**CFR Citation:** 7 CFR 3015.205; 7 CFR 3200.4(d)(7); 7 CFR 3400.4(c)(12); 7 CFR 1b; 7 CFR 2.30(e)

**Completed:**

Reason	Date	FR Cite
Supplement to ABRAC minutes	03/05/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Alvin Young, 703 235-4419

**RIN:** 0524-AA00

**125. AGENCY PROCEDURES TO IMPLEMENT THE NATIONAL ENVIRONMENTAL POLICY ACT**

**Significance:** Agency Priority

**CFR Citation:** 7 CFR 3704

**Completed:**

Reason	Date	FR Cite
Final Action	09/27/91	56 FR 49242

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Patrick Casula, 202 401-1761

**RIN:** 0524-AA01

BILLING CODE 3410-90-F

## DEPARTMENT OF AGRICULTURE (USDA)

## Prerule Stage

## Farmers Home Administration (FmHA)

**126. ● MANAGEMENT OF HAZARDOUS SUBSTANCES**

**Significance:** Regulatory Program

**Legal Authority:** PL 96-510; PL 94-580; PL 94-469; PL 92-500

**CFR Citation:** 40 CFR 300; 40 CFR 260; 40 CFR 700; 40 CFR 400

**Legal Deadline:** None

**Abstract:** There are a number of federal environmental statutes which govern the management of hazardous substances, materials and wastes. At the present time, FmHA does not have

implementing regulations for these federal statutes.

The development of implementation procedures for managing hazardous substances is necessary to insure consistency in compliance with Federal, as well as State environmental statutes, and to develop appropriate "due diligence" policies to limit the Agency's liability with regard to environmental cleanups of hazardous waste in loan making/servicing and property management activities.

FmHA has approximately 10,000 inventory properties. FmHA cannot be

certain how many of these inventory properties will require hazardous waste cleanup prior to sale, however, FmHA has submitted to the Departmental Hazardous Waste Management Program a projected budget for FYs 93-97 of \$14.2 million.

**Timetable:**

Action	Date	FR Cite
ANPRM	00/00/00	
ANPRM Comment Period End	00/00/00	

**Small Entities Affected:** Undetermined



## USDA—FmHA

## Prerule Stage

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Chris Goettelmann,  
Chief, Regulations Analysis and Control  
Branch, Department of Agriculture,  
Farmers Home Administration, Room

6348 South Building, Washington, DC  
20250, 202 720-9744  
**RIN:** 0575-AB18

**DEPARTMENT OF AGRICULTURE (USDA)**  
**Farmers Home Administration (FmHA)**

## Proposed Rule Stage

**127. SECTION 502 RURAL HOUSING  
LOAN POLICIES, PROCEDURES, AND  
AUTHORIZATIONS**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1480; 7 CFR  
2.23; 7 CFR 2.70

**CFR Citation:** 7 CFR 1944 subpart A; 7  
CFR 1910 subpart A; 7 CFR 1965  
subpart C; 7 CFR 1951 subpart G; 7 CFR  
1955 subpart C; 7 CFR 1944 subpart J; 7  
CFR 1924 subpart C; 7 CFR 1901 subpart  
A

**Legal Deadline:** None

**Abstract:** Change Interest Credit. Set  
forth new modest housing concept.  
Remove posting of names. Appraisal  
Fees. Provide new method of  
determining repayment ability by the  
use of ratios.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/28/92	57 FR 17858
ANPRM	05/28/92	57 FR 17858
Comment Period End		
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:**  
Undetermined

**Additional Information:** Study currently  
underway to assist in formulation of  
ratios, "CAPS", and subsidy granted as  
well as economic impact of proposed  
changes.

**Agency Contact:** Chris Goettelmann,  
Chief, Regulations Analysis and Control  
Branch, Department of Agriculture,  
Farmers Home Administration, Room  
6348, South Building, Washington, DC  
20250, 202 720-9744

**RIN:** 0575-AA35

**128. REAL PROPERTY INSURANCE**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1989; 42 USC  
1480; 5 USC 301

**CFR Citation:** 7 CFR 1808

**Legal Deadline:** None

**Abstract:** Also, to incorporate  
provisions for obtaining and monitoring  
flood insurance.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment Period End	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Chris Goettelmann,  
Chief, Regulations Analysis and Control  
Branch, Department of Agriculture,  
Farmers Home Administration, Room  
6348, South Building, Washington, DC  
20250, 202 720-9744

**RIN:** 0575-AA53

**129. DENY CREDIT TO APPLICANTS  
DELINQUENT ON ANY FEDERAL  
DEBT; EXCEPT WHEN THE  
DELINQUENCY IS AN FMHA FARM  
PROGRAM LOAN**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1989; 42 USC  
1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

**CFR Citation:** 7 CFR 1910(a); 7 CFR  
1941(a); 7 CFR 1943(a); 7 CFR 1945(d); 7  
CFR 1980(b); 7 CFR 1943(b)

**Legal Deadline:** None

**Abstract:** OMB Circular A-129 dated  
November 25, 1988, recommends that  
the processing of applications for  
Federal direct loans be suspended and  
require private lenders to suspended  
processing of loan guarantee  
applications when an applicant is found  
to be delinquent on a Federal debt.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Chris Goettelmann,  
Chief, Regulations Analysis and Control  
Branch, Department of Agriculture,  
Farmers Home Administration, Room  
6348 South Building, Washington, DC  
20250, 202 720-9744

**RIN:** 0575-AA66

**130. CIVIL RIGHTS COMPLIANCE  
REQUIREMENTS - 1940-D**

**Significance:** Agency Priority

**Legal Authority:** PL 100-259; PL 88-352;  
42 USC 2000d et seq; PL 90-284; 42 USC  
3601 to 3619; PL 100-430; PL 92-318; 20  
USC 1681 et seq; PL 93-112; 29 USC 749;  
PL 94-135; 42 USC 6101 et seq; PL 94-  
239; 15 USC 1601 et seq; EO 11246

**CFR Citation:** 7 CFR 15; 12 CFR 202; 28  
CFR 42; 45 CFR 90; 41 CFR 60 to 64; 24  
CFR 14 et al

**Legal Deadline:** None

**Abstract:** Will effectuate a  
comprehensive civil rights regulation  
implementing the following laws: The  
Equal Credit Opportunity Act (ECOA);  
Title VIII of the Civil Rights Act of  
1968, as amended by the Fair Housing  
Amendments Act of 1988 (The Fair  
Housing Act); section 504 Federally  
conducted programs, Title IX of the  
Education Amendments of 1972; the  
Age Discrimination Act of 1975, and  
programs and activities; Amendments  
of 1972; the Age Discrimination Act of  
1975; and Executive Order 11246. The  
revised regulations will provide  
detailed guidelines for field offices for  
improved enforcement and compliance  
with these laws which heavily impact  
FmHA's programs. Mechanisms for  
monitoring compliance by field offices  
and recipients of FmHA's financial  
assistance at all levels will decrease  
the Agency's vulnerability due to  
noncompliance with recently enacted  
Civil Rights legislation.



## USDA—FmHA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/93	
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA83

**131. PLANNING AND PERFORMING SITE DEVELOPMENT WORK**

**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301

**CFR Citation:** 7 CFR 1924-C

**Legal Deadline:** None

**Abstract:** This regulation will be amended to no longer require approval of individual subdivisions before FmHA loans are approved within the subdivision. Instead, there will be individual site approval requirements. The cost of implementing the changes would include procedure development, training, and development of forms. The benefits would be that FmHA site requirements would be consistent with HUD and VA.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA88

**132. SUPPLEMENTAL REQUIREMENTS FOR MAKING SECTION 502 LOANS FOR HOUSING UNITS LOCATED IN CONDOMINIUMS OR PLANNED UNIT DEVELOPMENTS**

**Legal Authority:** 42 USC 1490f

**CFR Citation:** 7 CFR 1944-A; 7 CFR 1924-A; 7 CFR 1922-C

**Legal Deadline:** None

**Abstract:** Housing in some areas is not affordable for low and very low income families. Existing condominiums in these areas may meet the housing needs of these families. The alternatives considered were to implement the financing of existing condominiums or take no action. The cost of implementing the program would include procedure development, training, and completion of forms. The benefits would include reduced housing costs for families and reduced interest subsidy cost for the Government.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA90

**133. HOUSING APPLICATION PACKAGING GRANTS**

**Legal Authority:** 42 USC 1479

**CFR Citation:** 7 CFR 1944 subpart B

**Legal Deadline:** Other, Statutory, April 1, 1991.

Due to inability to meet mandate, it is anticipated that Final rule will be published March 1993.

**Abstract:** Provide grant program for housing application packaging by public and private nonprofits in poor counties and colonias.

**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

NPRM Comment 12/00/92  
Period End

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Public Compliance Cost:** Initial Cost: \$97,800; Yearly Recurring Cost: \$97,800

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th Street and Independence Ave. NW., Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA92

**134. SECTION 504 RURAL HOUSING LOANS AND GRANTS**

**Legal Authority:** 42 USC 1474

**CFR Citation:** 7 CFR 1944 subpart J

**Legal Deadline:** None

**Abstract:** This regulation will be amended to remove some confusion in the wording of several paragraphs. The benefits will be more consistency in administering the 504 Loan and Grant Program. The cost of implementing the changes would be only procedure development.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA93

**135. ADVERSE DECISIONS AND ADMINISTRATIVE APPEALS FMHA INSTRUCTION 1900-B**

**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301

**CFR Citation:** 7 CFR 1900 subpart B; 7 CFR 2.70

**Legal Deadline:** None

**Abstract:** The Agency proposes to amend FmHA Instruction 1900-B, "Adverse Decisions and Administrative Reviews" to incorporate an appeal "standard of review" and make editorial changes.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/01/92

NPRM Comment 01/31/93  
Period End



## USDA—FmHA

## Proposed Rule Stage

Action	Date	FR Cite
Final Action	03/31/93	
Final Action Effective	04/30/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, 14th Street & Independence Ave NW., Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB09

**136. ● CHANGES TO FMHA FARMER PROGRAM ACCOUNT SERVICING AND LOAN MAKING POLICIES FOR SECTION 1808, 1818, 1819 AND 1821 OF THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990. (FACT ACT)**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-624, sec 1808; PL 101-624, sec 1818; PL 101-624, sec 1819; PL 101-624, sec 1821

**CFR Citation:** 7 CFR 1910 subpart A; 7 CFR 1943 subpart B; 7 CFR 1924 subpart B; 7 CFR 1941 subpart A; 7 CFR 1945 subpart D; 7 CFR 1943 subpart A; 7 CFR 1951 subpart F; 7 CFR 1951 subpart S; 7 CFR 1980 subpart B; 7 CFR 1962 subpart A; 7 CFR 1965 subpart A

**Legal Deadline:** None

**Abstract:** Provisions of the Food, Agriculture, Conservation and Trade Act of 1990, as they affect the Farmers Home Administration's Farmer Programs, plus relevant provisions of the Omnibus Budget Reconciliation Act of 1990. Regulations must be developed to reduce paperwork burdens on the public and to encourage more meaningful public participation in the paperwork reduction process. Regulations are also needed to set forth the curriculum and process for the Agency's farmer loan applicant/borrower to obtain special training; and to assess the borrower's progress; and to implement a market placement program for qualified loans.

The projected cost of these programs is \$3,747,565 for underwriting forms and standard; \$289,396,800 for borrower training for a total cost of \$293,144,365,

excluding the cost of the Loan Assessment and Market Placement Program which will be available approximately June 1993. Regulations shall be issued as soon as practicable after enactment of PL 101-624 of the FACT ACT of 1990.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
Final Action	06/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB13

**137. ● HOUSING FOR RURAL HOMELESS AND MIGRANT FARMWORKERS, POLICIES, PROCEDURES, AND AUTHORIZATIONS**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1486

**CFR Citation:** 7 CFR 1944-H (New)

**Legal Deadline:** Final, Statutory, March 28, 1991.

**Abstract:** This regulation provides for the eligibility of the rural homeless and migrant farmworkers under Section 516 Farm Labor Housing Program. Regulations are being drafted to implement this provision of the law which will provide short term occupancy housing for these individuals. The cost to society of promulgating such regulations will be minimal with substantial benefits filtering into society by providing housing for the rural homeless and migrant farmworkers.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	01/00/93	
Final Action	06/00/93	
Final Action Effective	07/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB14

**138. ● RURAL HOUSING PROGRAM LOANS**

**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301

**CFR Citation:** 7 CFR 1980 subpart D; 7 CFR 2.23; 7 CFR 2.70

**Legal Deadline:** None

**Abstract:** Revise existing Guaranteed Loan Regulations to make minor corrections and additions for clarification purposes.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/28/92	57 FR 17858
ANPRM Comment Period End	05/28/92	57 FR 17858
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB15

**139. ● SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS**

**Legal Authority:** PL 101-508; PL 101-201; 25 USC 1480; 42 USC 1437; EO 12744

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The definition of income is being revised pursuant to the omnibus Budget Reconciliation Act of 1990. The regulations are being revised to clarify that the interest of individual Indians in trust on restricted land shall not be



## USDA—FmHA

## Proposed Rule Stage

considered a resource in determining eligibility. Changes are being made to exclude from the Agent Orange settlement fund or any other fund established pursuant to the settlement in Agent Orange liability litigation. Based on a Supreme Court decision FmHA is deleting the public posting that require county supervisors to post on the bulletin board after each selection period a list of those applications selected and notified of the processing of their applications. The county supervisors are also required to review the SFH applicants audited or most recent Federal tax return. The interest credit regulation is being revised to remove previous discrepancies.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	12/00/92	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Public Compliance Cost:** Initial Cost: \$38,197; Yearly Recurring Cost: \$38,197

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB16

**140. ● DISPOSITION OF INTERESTS IN INDIAN TRUST LAND**

**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301

**CFR Citation:** 7 CFR 1955; 7 CFR 1965; 7 CFR 2.23; 7 CFR 2.70

**Legal Deadline:** None

**Abstract:** Incorporate requirements of the Cranston-Gonzalez National Affordable Housing Act, Section 708, into FmHA Instructions 1955-A, 1955-B, 1955-C, 1965-B, and 1965-C. This law prohibits the transfer or sale of FmHA's security interest in Indian Trust Land to anyone except an eligible tribal member, the tribe, or the Indian Housing Authority serving the tribes. These requirements will enhance the opportunity of these specific entities to become homeowners, thereby, serving a previously underserved area.

The expected effect is that it becomes knowledge, instruction and direction for the public, Agency staff and members of the Tribal Communities.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB17

**141. ● SOLID WASTE MANAGEMENT GRANTS**

**Legal Authority:** PL 101-624, sec 2325

**CFR Citation:** 7 CFR 4242

**Legal Deadline:** None

**Abstract:** FmHA implemented this authority by adding it to the existing Technical Assistance grant program for water and waste disposal facilities. In order to prevent confusion and to further refine the requirements of the program, FmHA is proposing to publish a separate regulation for two programs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	01/00/93	
Period End		
Final Action	08/00/93	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB22

**142. ● TECHNICAL ASSISTANCE AND TRAINING GRANTS**

**Legal Authority:** PL 99-198, sec 1304

**CFR Citation:** 7 CFR 4242

**Legal Deadline:** None

**Abstract:** Under current regulations, FmHA administers two separate technical assistance grant programs that have similar requirements. In order to avoid confusion for the public because of differences in eligibility and purposes of the two programs, FmHA proposes to rewrite the existing regulation to separate the two programs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	01/00/93	
Period End		
Final Action	08/00/93	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB23

**143. ● WASTEWATER CIRCUIT RIDER GRANTS**

**Legal Authority:** PL 101-624, sec 2324

**CFR Citation:** 7 CFR 1942

**Legal Deadline:** Final, Statutory, May 28, 1991.

**Abstract:** Public Law 101-624, Food, Agriculture, Conservation, and Trade Act of 1990, authorized a new rural wastewater circuit rider program. FmHA proposes to publish a new regulation for this program.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	02/00/93	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local

**Analysis:** Regulatory Flexibility Analysis

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room



## USDA—FmHA

## Proposed Rule Stage

6348 South Building, Washington, DC  
20250, 202 720-9744

RIN: 0575-AB24

#### 144. ● SUPERVISED BANK ACCOUNTS AND MULTIHOUSING RESERVE FUNDS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1480

**CFR Citation:** 7 CFR 1902; 7 CFR 1930

**Legal Deadline:** None

**Abstract:** Requires reserve accounts to be subject to counter signature by an Agency official before funds can be withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	09/01/92	57 FR 39631
NPRM Comment Period End	11/02/92	57 FR 39631
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 720-9744

RIN: 0575-AB31

#### 145. ● TWO-YEAR COUNTY COMMITTEE ELIGIBILITY

**Legal Authority:** PL 101-624, sec 1810

**CFR Citation:** 7 CFR 1910-A; 7 CFR 1941-A; 7 CFR 1943-A; 7 CFR 1943-B; 7 CFR 1980-B

**Legal Deadline:** None

**Abstract:** The objective of this action is to extend County Committee eligibility for Farmer Programs loan applications (except emergency loan applications) up to two years. The current policy requires a County Committee determination for each loan application. The proposed action will decrease the paperwork required for loan applications, and reduce the amount of time needed by the County Committee

to review loan applications. The proposed action is required by Public Law 101-624. No additional costs to the Government or to the public will be incurred as a result of this action. Government costs will be reduced because County Committee members will spend less time reviewing applications.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, 14th & Independence Ave., S.W. - Room 6248-S, Washington, DC 20250, 202 720-9744

RIN: 0575-AB32

#### 146. ● IMPLEMENTATION OF CERTIFIED LENDER PROGRAM

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301

**CFR Citation:** 7 CFR 1980 subpart A; 7 CFR 1980 subpart B; 7 CFR 2.23; 7 CFR 2.70

**Legal Deadline:** None

**Abstract:** Lenders participating in the Guaranteed Loan Program have cited the excessive amount of paperwork and time required to apply for and receive approval on guaranteed loans as a deterrent to participation in the program. The Agency assembled a Guaranteed Overview Task Force to identify specific forms and regulations that could be eliminated or revised without increasing the risk to the Government. We intend to immediately implement those recommendations which will meet these criteria and can be implemented by the next lending season. Fewer forms and a streamlined process will reduce operating costs for both FmHA and lenders. With the new Certified Lender Program, those lenders that FmHA has determined can

properly process and service guaranteed loans will be given greater flexibility. The CLP program will encourage increased participation in the program, thereby reducing the demand for direct loan funds, which are more costly than guaranteed loans.

**Timetable:**

Action	Date	FR Cite
NPRM	11/19/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, 14th & Independence Ave., S.W. - Room 6348-S, Washington, DC 20250, 202 720-9744

RIN: 0575-AB33

#### 147. ● 1980-E BUSINESS AND INDUSTRIAL LOAN PROGRAM - FEASIBILITY STUDIES

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

**CFR Citation:** 7 CFR 1980-E

**Legal Deadline:** None

**Abstract:** The proposed rule will allow the Agency to waive the requirement for a feasibility study for existing business on a case-by-case basis.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	03/01/93	
Final Action Effective	03/01/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Agriculture Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB34



## DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

## Farmers Home Administration (FmHA)

**148. ACQUISITION, MANAGEMENT AND DISPOSITION OF REAL PROPERTY WHICH SECURED SINGLE FAMILY HOUSING (SFH) LOANS**

**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

**CFR Citation:** 7 CFR 1955

**Legal Deadline:** None

**Abstract:** Create a new subpart D to cover liquidation of Single Family Housing (SFH) loans, and management and sale of SFH inventory property; and revise existing subparts A, B, and C to have them apply to all programs other than SFH. Costs to create new subpart and revise and/or amend existing ones is minimal and would enhance all programs' ability to revise and/or amend the regulations with reduced clearances and provide personnel with clearer and simpler regulations to follow and implement. Will avoid "tie-up" of the regulations for one program subject to changes mandated by legislation or court order for another program, such as SFH changes being held up subject to Farmer Program changes being completed, as has frequently been the case.

**Timetable:**

Action	Date	FR Cite
Final Action	02/00/93	
Final Action Effective	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** Action on this project was effectively paralyzed during calendar year 1988 by extensive changes by Farmer Programs pursuant to the Agriculture Act of 1987.

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA03

**149. HOUSING PRESERVATION GRANTS**

**Legal Authority:** 42 USC 1490 (m)

**CFR Citation:** 7 CFR 1944, subpart N

**Legal Deadline:** None

**Abstract:** Expansion of HPG program to include residential rental properties (single and multi-unit) and cooperative housing. Maintain availability of adequate and decent, safe, and sanitary rental housing for very low and low income individuals and families in the rural areas. Compliance with the Housing and Urban Recovery Act of 1983 and Community Development Act of 1987.

**Timetable:**

Action	Date	FR Cite
NPRM	01/15/92	
NPRM Comment Period End	03/16/92	
Final Action	11/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA18

**150. 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, subpart I

**Legal Deadline:** None

**Abstract:** The Farmers Home Administration (FmHA) proposes to revise the regulation for the recapture of subsidy granted on Section 502 Rural Housing Loans. This action is necessary because of an accounting system change resulting from the September 1987 congressionally mandated rural housing asset sale. The intended effect of this action is to adjust the formula to coincide with the revised method of applying monthly subsidy to interest credit accounts. In addition, this action will also shorten and simplify the recapture process.

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/90	55 FR 42987
NPRM Comment Period End	12/24/90	55 FR 42987
Final Action	12/00/92	

Action	Date	FR Cite
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA29

**151. MANAGEMENT AND COLLECTION OF NONPROGRAM (NP) LOANS**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

**CFR Citation:** 7 CFR 1951 subpart J

**Legal Deadline:** None

**Abstract:** A new instruction to provide policy and guidance for FmHA field office personnel to make, manage, collect and liquidate nonprogram (NP) loans.

**Timetable:**

Action	Date	FR Cite
NPRM	08/17/89	54 FR 33906
NPRM Comment Period End	10/16/89	54 FR 33906
Final Action	01/00/93	
Final Action Effective	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA39

**152. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS AND GRANT RECIPIENTS**

**Legal Authority:** 42 USC 1480; 5 USC 1989; 5 USC 301

**CFR Citation:** 7 CFR 1930, subpart C; 7 CFR 1944, subpart E; 7 CFR 1951, subpart K; 7 CFR 1965, subpart B; 7 CFR 2.23; 7 CFR 2.70



## USDA—FmHA

## Final Rule Stage

**Legal Deadline:** None

**Abstract:** General revision to keep the regulations current with policy clarification and incorporate changes to comply with recent legislative changes. Alternatives were to not revise or only incorporate some changes.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/91	56 FR 42384
NPRM Comment Period End	10/28/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Public Compliance Cost:** Initial Cost: \$10,741,732; Yearly Recurring Cost: \$10,741,732; Base Year for Dollar Estimates: 1992

**Additional Information:** Proposed rule submitted to OMB, May 9, 1991. OMB Review still pending.

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA49

### 153. PREPAYMENT AND DISPLACEMENT PREVENTION OF MULTIPLE FAMILY HOUSING LOANS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1480

**CFR Citation:** 7 CFR 1965, subpart E; 7 CFR 1930, subpart C; 7 CFR 1944, subpart D; 7 CFR 1944, subpart E; 7 CFR 1944, subpart L; 7 CFR 1951, subpart E; 7 CFR 1951, subpart N; 7 CFR 1955, subpart A; 7 CFR 1955, subpart C; 7 CFR 1965, subpart B

**Legal Deadline:** Final, Statutory, April 22, 1989.

**Abstract:** This action seeks to implement amendments to the Housing Act of 1949, affording tenants some protection against being displaced from multi-housing projects. An interim rule with request for comments was published on April 22, 1988. An emergency change to correct a legal concern was published on February 13, 1990. As a result of comments received, a proposed rule was published on July 20, 1990. In addition, an interim final rule was published on July 20, 1990.

implementing added changes required by law. The final rulemaking action plans to incorporate all of these earlier rulemaking actions, directly to a final rulemaking action.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/22/88	53 FR 13244
NPRM	07/20/90	55 FR 29601
NPRM Comment Period End	09/18/90	55 FR 29601
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA51

### 154. FARM LABOR HOUSING LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATIONS

**Legal Authority:** 42 USC 1484; 42 USC 1486

**CFR Citation:** 7 CFR 1944, subpart D; 7 CFR 1930, subpart C

**Legal Deadline:** None

**Abstract:** The Farmers Home Administration (FmHA) proposes to amend its Farm Labor Housing Loan and Grant regulations. The intended effect is to make changes to the basic rules of the Labor Housing regulations affecting potential applicants and the FmHA field staff concerning unauthorized rents, income eligibility, occupancy of labor housing, and delegation of authority. These revisions are proposed because of Agency agreements with the Inspector General and are determined to be in the best interest of farm labor tenants and the government.

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/90	55 FR 39982
NPRM Comment Period End	11/30/90	55 FR 39982
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA60

### 155. PROCESSING AND SERVICING FMHA ASSISTANCE TO EMPLOYEES, RELATIVES, AND ASSOCIATES

**Legal Authority:** 7 USC 1988, sec 336(b)

**CFR Citation:** 7 CFR 1900 subpart D

**Legal Deadline:** None

**Abstract:** FmHA Instruction 2045-BB, Employee Responsibilities and Conduct (available in any FmHA office), requires the maintenance of high standards of honesty, integrity, and impartiality by employees. Within the limitations of that instruction and specific program restrictions, FmHA employees, family members, close relatives, and other associates are eligible to receive certain types of FmHA loan and grant assistance. To assure that employee conduct is above reproach, any processing, approval, servicing or review activity is conducted only by authorized FmHA employees who (1) are not themselves the recipient; (2) are not family members or close relatives of the recipient; (3) do not have an immediate working relationship with the recipient, the employee related to the recipient, or the employee who would normally conduct the activity; or (4) do not have a business or close personal relationship with the recipient, the employee related to the recipient or the employee who would normally conduct the activity. Nothing in this instruction takes precedence over individual program requirements or restrictions.

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/90	55 FR 28057
NPRM Comment Period End	09/07/90	55 FR 28057
Final Action	11/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None



## USDA—FmHA

## Final Rule Stage

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA64

### 156. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS—PROCESSING PREAPPLICATIONS

**Legal Authority:** 42 USC 1485

**CFR Citation:** 7 CFR 1944 subpart E

**Legal Deadline:** None

**Abstract:** Revise and simplify the manner in which Multifamily Housing preapplications are rated, ranked, and funded, and add provisions for cooperation between FmHA and HUD when working in the same market area.

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/91	56 FR 56032
NPRM Comment Period End	12/30/91	56 FR 56032
Final Action	01/00/93	
Final Action Effective	02/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA67

### 157. SERVICING CASES WHERE UNAUTHORIZED LOAN OR OTHER FINANCIAL ASSISTANCE WAS RECEIVED—MULTIPLE FAMILY HOUSING

**Legal Authority:** 5 USC 301; PL 93-357; 42 USC 1480; 42 USC 2942

**CFR Citation:** 7 CFR 1951, subpart N; 7 CFR 2.70

**Legal Deadline:** None

**Abstract:** General revision to keep the regulation current with the clarification of policy and incorporation of changes regarding automated processing of

payments. The alternative was to not make the revision.

**Timetable:**

Action	Date	FR Cite
NPRM	11/19/91	56 FR 58325
NPRM Comment Period End	01/21/92	56 FR 58325
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA69

### 158. ADVERSE DECISIONS AND ADMINISTRATIVE APPEALS FMHA INSTRUCTION 1900-B

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 270

**CFR Citation:** 7 CFR 1900 subpart B

**Legal Deadline:** Final, Statutory, July 1, 1987.

**Abstract:** The Agency published an interim rule amending FmHA Instruction 1900-B to provide for multi-party appeals involving the sale of suitable farmland to eligible applicants and denials of leaseback/buyback and homestead protection rights. These changes were a result of Section 611 of the Agricultural Credit Act of 1987. Subsequently passage of the 1990 Farm Bill P.L. 101-624 required further changes to appeals involving the sale of inventory property classified as suitable farmland. These changes superseded those made in the interim rule. Those changes were published in the Federal Register as an interim rule on April 30, 1992, Vol 57 No. 84 page 18612. Therefore, this rule will remain in interim status and combined in final rule with the subsequent changes made in the April 30, 1982, Federal Register.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/30/92	57 FR 18612
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AA70

### 159. FARMER PROGRAMS GUARANTEED INTEREST ASSISTANCE PROGRAM

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301

**CFR Citation:** 7 CFR 1980(a); 7 CFR 1980(b); 7 CFR 1980(d); 7 CFR 1980(e); 7 CFR 1980(g); 7 CFR 2.23; 7 CFR 2.70

**Legal Deadline:** None

**Abstract:** The problem is the need to reduce the Government's cost of providing financial assistance to Farmer Programs Borrowers. Lenders and loan applicants prefer that applicants use the insured loan programs rather than the guaranteed programs due to the lower interest rates on insured loans. This regulation will provide for a government subsidy to lenders for interest rates for guaranteed Farmer Programs loans so the borrower will be paying interest rates for guaranteed loans that are similar to insured loans. This should provide an incentive for using the guaranteed loan program. The potential cost to the Government will be reduced as the Government will only pay a lender up to 90 percent of the losses on loans and only part of the interest rate rather than loaning a borrower the full amount of the loan and paying an investor the full cost of the Government borrowing the money for an insured loan. The benefit is that the borrower will be paying an interest rate for guaranteed loans that is comparable to that for insured loans, the lender will receive the subsidy for the lower interest rate, and the Government (cont)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/28/91	56 FR 8258



USDA—FmHA

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Comment Period End	04/29/91	56 FR 8258
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT CONT: will reduce the amount of money needed for the program. The alternative is to continue with the present program.

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA80

#### 160. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS (DEFERRED MORTGAGE PROGRAM)

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1480; 5 USC 301

**CFR Citation:** 7 CFR 1944-A; 7 CFR 1951-G

**Legal Deadline:** Other, Statutory, April 1, 1991.

Interim rule was published August 23, 1991. Final rule is anticipated to be published February 1993.

**Abstract:** This regulation is being amended to include a mortgage payment deferral program to enable the Agency to assist a greater number of very low-income families. The Program is intended to provide additional assistance to those families who can not afford the costs of homeownership with full interest credit benefits ship with full interest credit benefits.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	08/23/91	07 FR 41764
Final Action	11/30/92	
Final Action Effective	11/30/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture,

Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA87

#### 161. FARMER PROGRAM ACCOUNT SERVICING POLICIES FOR SECTION 1816 AND OTHER RELATED SECTIONS FOR THE "1990 FACT ACT"

**Significance:** Regulatory Program

**Legal Authority:** PL 101-624, Sec 1816; 7 USC 1989; 42 USC 1480; 5 USC 301

**CFR Citation:** 7 CFR 1900 subpart B; 7 CFR 1924 subpart B; 7 CFR 1951 subpart S; 7 CFR 2.23; 7 CFR 2.70

**Legal Deadline:** Other, Statutory, November 28, 1990.

Interim rule published April 30, 1992. Final rule anticipated for publication March 1993.

**Abstract:** Provisions of the Food, Agriculture, Conservation and Trade Act of 1990, as they affect the Farmers Home Administration's Farmer Programs, plus relevant provisions of the Omnibus Budget Reconciliation Act of 1990.

#### Timetable:

Action	Date	FR Cite
NPRM	10/23/91	56 FR 54970
NPRM Comment Period End	11/22/91	56 FR 54970
Interim Final Rule	04/30/92	57 FR 18612
Final Action	03/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Analysis:** Regulatory Impact Analysis; Regulatory Flexibility Analysis

**Additional Information:** The Food, Agriculture, Conservation, and Trade Act 1990 called the FACT Act of 1990, amended certain provisions of the consolidated Farm and Rural Development Act (CONACT). The CONACT of 1987 required Major changes in the servicing and restructuring of FmHA farm program loans. These changes were implemented by interim rule published in the Federal Register on September 14, 1988 (53 FR 35638-35798).

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room

6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA91

#### 162. ● AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1789; 7 USC 4201; 42 USC 1980; 5 USC 301

**CFR Citation:** 7 CFR 223; 7 CFR 270

**Legal Deadline:** Final, Statutory, March 28, 1991. Other, Statutory, December 31, 1991.

Published as an interim rule February 4, 1992. Final rule to be published March 1993.

**Abstract:** A national farmland protection effort is needed to preserve our national farmland resources for future generations. The FACT Act, as amended, authorized a demonstration program to guarantee loans to assist States in financing such an effort. The program provides for Federal guarantees of timely payments of principal and interest due for 10 years and substantial interest assistance on loans made to States and instrumentalities of States. A number of States currently have programs in which the State purchases development rights from farmers so the farmland is not developed. The program was fashioned, to some extent, after several of these programs. States are required to share in this effort by contributing an amount equal to at least half the amount of the loan guaranteed by FmHA. Each eligible State may receive up to \$10 million in guarantees per fiscal year. Loan funds may be invested by the borrower to increase the capital available for farmland preservation. The legislation authorized a pilot program for Vermont.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	02/04/92	57 FR 4336
Final Action	03/00/93	
Final Action Effective	03/00/93	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Additional Information:** Published in the Federal Register as an Interim Final



## USDA—FmHA

## Final Rule Stage

Rule (57 FR 4336-4350). This action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law '91-190, an Environmental Impact statement is not required.

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB01

### 163. RURAL RENTAL AND RURAL COOPERATIVE HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1480; 5 USC 301

**CFR Citation:** 7 CFR 1924; 7 CFR 1944

**Legal Deadline:** None

**Abstract:** Revision of existing regulation to provide additional guidance to reduce program vulnerability.

**Timetable:**

Action	Date	FR Cite
NPRM	06/19/92	57 FR 27379
NPRM Comment Period End	08/18/92	
Final Action	01/00/93	
Final Action Effective	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, 14th Street & Independence Ave. NW., Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB08

### 164. ● DEBT SETTLEMENT

**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301; 31 USC 3711

**CFR Citation:** 7 CFR 2.23; 7 CFR 2.70; 7 CFR 1956

**Legal Deadline:** None

**Abstract:** The objective of revising the debt settlement regulation is to

eliminate the administrative costs of maintaining accounts which have been charged off and authorize the Administrator to debt settle third party converters, nonprogram, economic emergency, and economic opportunity loans. Action is being recommended to remove chargeoffs because the funds collected from charged off accounts do not justify the administrative costs of maintaining and servicing these accounts. Action is being recommended to authorize the Administrator to debt settle accounts which were formerly settled under the Federal Claims Collection Act to conform with the revisions made in Section 331 (d) of the CONACT under the 1990 Farm Bill. The State Director is also being given the authority to approve debt settlements less than \$1,000,000.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB10

### 165. ● 1924-C, PLANNING AND PERFORMING SITE DEVELOPMENT WORK (REMOTE RURAL AREA)

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1480; 5 USC 301; 7 USC 1989

**CFR Citation:** 7 CFR 1924

**Legal Deadline:** Final, Statutory, March 28, 1991.

**Abstract:** The Cranston-Gonzales National Affordable Housing Act provided for revision to FmHA's site approval instructions, mandating that: "The Secretary may not refuse to make, insure, or guarantee a loan that otherwise meets the requirements under this section solely on the basis that the housing involved is located in an area that is excessively rural in character or excessively remote."

This revision removes language regarding random development of sites

in open country, and includes language that allows approval of such sites.

The only cost related to this revision is publication and distribution of the Instruction.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations, Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB11

### 166. ● DISPOSAL OF INVENTORY PROPERTY

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1989; 42 USC 1480; 5 USC 301

**CFR Citation:** 7 CFR 1955 subpart C; 7 CFR 2.23; 7 CFR 2.70

**Legal Deadline:** None

**Abstract:** Permits the sale of groups of section 502 inventory property out of Government inventory for use as affordable rental housing.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

**RIN:** 0575-AB21

### 167. ● COMMUNITY FACILITY LOANS 1942A

**Significance:** Agency Priority

**Legal Authority:** 7 USC 1989; 5 USC 301



## USDA—FmHA

## Final Rule Stage

**CFR Citation:** 7 CFR 1942**Legal Deadline:** None**Abstract:** Changes the requirements for audits based upon annual gross income and extends the deadline for submission of audits based on annual gross income.**Timetable:**

Action	Date	FR Cite
NPRM	07/16/92	57 FR 31462
NPRM Comment Period End	08/17/92	57 FR 31462
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Local, State**Agency Contact:** Chris Goettelmann, Chief, Regulations, Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 720-9744**RIN:** 0575-AB25

## DEPARTMENT OF AGRICULTURE (USDA)

## Completed Actions

## Farmers Home Administration (FmHA)

**168. ESTABLISHMENT OF WETLAND CONSERVATION EASEMENTS ON FARMERS HOME ADMINISTRATION (FMHA) INVENTORY PROPERTY****Significance:** Regulatory Program**CFR Citation:** 7 CFR 1951(s); 7 CFR 1955(b); 7 CFR 1955(c); 7 CFR 1910(a); 7 CFR 1940(g); 7 CFR 2.23; 7 CFR 2.70**Completed:**

Reason	Date	FR Cite
Final Action	07/17/92	57 FR 31636
Final Action Effective	07/17/92	57 FR 31636

**Small Entities Affected:** Undetermined**Government Levels Affected:** Local, State, Federal**Agency Contact:** Chris Goettelmann, 202 720-9744**RIN:** 0575-AA81**169. ● SYSTEM FOR DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS****Significance:** Regulatory Program**Legal Authority:** PL 101-624, Sec 2310; PL 101-624, Sec 2316; PL 101-624, Sec 2317**CFR Citation:** 7 CFR 1940**Legal Deadline:** Final, Statutory, May 28, 1991.**Abstract:** Public Law 101-624 authorized a 5-year pilot program whereby, a State rural economic development review panel will be

established in up to five States for a particular period of time to review and rank applications requesting assistance from designated rural development programs. This program will help assure that the social and economic needs of rural areas are funded according to acceptable development plans for rural areas within a State.

**Timetable:**

Action	Date	FR Cite
Final Action	04/06/92	57 FR 11555
Final Action Effective	05/06/92	57 FR 11555

**Small Entities Affected:** None**Government Levels Affected:** State**Analysis:** Regulatory Flexibility Analysis**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, 6348 South Building, Washington, DC 20250, 202 720-9744**RIN:** 0575-AB12**170. ● RURAL BUSINESS ENTERPRISE GRANTS AND TELEVISION DEMONSTRATION GRANTS****Significance:** Agency Priority**Legal Authority:** PL 101-624; PL 102-142; 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70**CFR Citation:** 7 CFR 1940; 7 CFR 1942; 7 CFR 1951; 7 CFR 2003**Legal Deadline:** Final, Statutory, May 28, 1991.

Sec. 2396 of PL 101-624

**Abstract:** Establishes a Program of Grants for Broadcasting systems; requires rural business enterprise grant projects not be subject to a dollar limitation; changes the name of the program; removes pass through grants to businesses as eligible under the rural business enterprise grants. Adds training as an eligible use of grant funds when used for technical assistance purposes; revises grant selection priorities to allow a more equitable distribution of grant funds.**Timetable:**

Action	Date	FR Cite
Final Action	07/27/92	57 FR 33097
Final Action Effective	07/27/92	57 FR 33097

**Small Entities Affected:** None**Government Levels Affected:** Local**Sectors Affected:** None**Agency Contact:** Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th & Independence Ave. SW., Washington, DC 20250, 202 720-9744**RIN:** 0575-AB28

BILLING CODE 3410-07-F



DEPARTMENT OF AGRICULTURE (USDA)  
Federal Crop Insurance Corporation (FCIC)

Proposed Rule Stage

171. ● GENERAL CROP INSURANCE REGULATIONS AMENDMENT NO. 70 - LATE FILED APPLICATIONS

Legal Authority: 7 USC 1501 et seq  
Federal Crop Insurance Act

CFR Citation: 7 CFR 401.8

Legal Deadline: None

Abstract: Establishes criteria for acceptance of late filed applications for crop insurance.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole,  
Secretary to the Board, Department of

Agriculture, Federal Crop Insurance Corporation, Washington, DC 20250, 202 254-8314

RIN: 0563-AA67

172. ● GENERAL ADMINISTRATIVE REGULATIONS; SANCTIONS, CIVIL PENALTIES, SUSPENSION AND DEBARMENT

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq  
Federal Crop Insurance Act

CFR Citation: 7 CFR 400, subpart R

Legal Deadline: None

Abstract: Add civil penalties under the Federal Crop Insurance Act as an additional available sanction, and incorporates provisions for implementing departmental regulations

for Debarment and Suspension and Program Fraud Civil Remedies Act.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole,  
Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Washington, DC 20250, 202 254-8314

RIN: 0563-AA70

DEPARTMENT OF AGRICULTURE (USDA)  
Federal Crop Insurance Corporation (FCIC)

Final Rule Stage

173. ASCS FARM PROGRAM PAYMENT YIELD OPTION

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq  
Federal Crop Insurance Act

CFR Citation: 7 CFR 401.149

Legal Deadline: None

Abstract: Implements amendments to the FCIC Act to permit the amount of insurance for certain crops to be based on the adjusted yield which the ASCS has used for the farming unit, rather than the recorded and appraised yield.

Timetable:

Action	Date	FR Cite
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NPRM 11/08/91 56 FR 57296

Extension for Public Comment - Final comment must be received by 1/21/92 12/24/91 56 FR 66605

Final Action 11/00/92

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole,  
Secretary to the Board, Department of

Agriculture, Federal Crop Insurance

Corporation, Washington, DC 20250, 202 254-8314

RIN: 0563-AA57

174. GENERAL ADMINISTRATIVE REGULATIONS; APPEAL PROCEDURES

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq  
Federal Crop Insurance Act

CFR Citation: 7 CFR 400, subpart J

Legal Deadline: None

Abstract: Establishes the FCIC Appeal Procedures for staffing, authority, and the administrative procedures for complete and independent review of determinations.

Timetable:

Action	Date	FR Cite
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NPRM 12/30/91 56 FR 67228

NPRM Comment Period End 01/29/92

Final Action 11/00/92

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole,  
Secretary to the Board, Department of Agriculture, Federal Crop Insurance

Corporation, Washington, DC 20250, 202 254-8314

RIN: 0563-AA63

175. PEANUT CROP INSURANCE REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq  
Federal Crop Insurance Act

CFR Citation: None

Legal Deadline: None

Abstract: A proposed rule to: (1) eliminate the contract price election agreement option for additional peanuts; (2) eliminate the reduced production guarantee for unharvested acreage; and establish the lesser of 20 acres or 20 percent as a requirement to qualify for replant payments.

Timetable:

Action	Date	FR Cite
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Final Action 11/00/92

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter F. Cole,  
Secretary to the Board, Department of Agriculture, Federal Crop Insurance



USDA—FCIC

Final Rule Stage

Corporation, Washington, DC 20250, 202 254-8314

RIN: 0563-AA64

**176. ● GENERAL CROP INSURANCE REGULATIONS, RICE ENDORSEMENT**

**Legal Authority:** 7 USC 1501 et seq Federal Crop Insurance Act

**CFR Citation:** 7 CFR 401.120

**Legal Deadline:** None

**Abstract:** Adds clarified definitions to eliminate confusion and remove the possibility of restrictions for non-compliance with policy through misinterpretation.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/92	57 FR 38783
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Washington, DC 20250, 202 254-8314

RIN: 0563-AA69

**177. ● LATE AND PREVENTED PLANTING ENDORSEMENT**

**Legal Authority:** 7 USC 1521 et seq Federal Crop Insurance Act

**CFR Citation:** 7 CFR 400, subpart L

**Legal Deadline:** None

**Abstract:** Replace the current optional coverage for late and prevented planting in the Corn, Grain Sorghum, and Soybean Endorsements.

**Timetable:**

Action	Date	FR Cite
NPRM	01/27/92	57 FR 1116
NPRM Comment Period End	01/27/92	57 FR 1116
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Washington, DC 20250, 202 254-8314

RIN: 0563-AA71

**DEPARTMENT OF AGRICULTURE (USDA)  
Federal Crop Insurance Corporation (FCIC)**

**Completed Actions**

**178. GENERAL ADMINISTRATIVE REGULATIONS; COLLECTION AND STORAGE OF SOCIAL SECURITY ACCOUNT NUMBERS AND EMPLOYER IDENTIFICATION NUMBERS**

**CFR Citation:** 7 CFR 400, subpart Q

**Completed:**

Reason	Date	FR Cite
Final Action	10/08/92	57 FR 46295
Final Action Effective	10/08/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Peter F. Cole, 202 254-8314

RIN: 0563-AA54

**179. GENERAL ADMINISTRATIVE REGULATIONS; SUBMISSION OF POLICIES, PROVISIONS OF POLICIES, AND RATES OF PREMIUM**

**Significance:** Agency Priority

**CFR Citation:** 7 CFR 400, subpart R

**Completed:**

Reason	Date	FR Cite
Withdrawn - Not implemented	07/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Peter F. Cole, 703 254-8314

RIN: 0563-AA61

**180. ● STANDARDS FOR APPROVAL; STANDARD REINSURANCE AGREEMENT**

**Legal Authority:** 7 USC 1501 et seq

**CFR Citation:** 7 CFR 400, subpart L

**Legal Deadline:** None

**Abstract:** The standards for approval to be met by a company requesting a Standard Reinsurance Agreement with FCIC.

**Timetable:**

Action	Date	FR Cite
Final Action	07/31/92	57 FR 6087

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This final rule is an internal agency management action.

**Agency Contact:** Peter F. Cole, Secretary to the Board, Department of Agriculture, Federal Crop Insurance Corporation, Washington, DC 20250, 202 254-8314

RIN: 0563-AA68

BILLING CODE 3410-08-F

**DEPARTMENT OF AGRICULTURE (USDA)  
Federal Grain Inspection Service (FGIS)**

**Prerule Stage**

**181. ● UNITED STATES STANDARDS FOR CORN**

**Legal Authority:** 7 USC 71 et seq

**CFR Citation:** 7 CFR 810

**Legal Deadline:** None

**Abstract:** The Federal Grain Inspection Service proposes to initiate a review of the United States Standards for Corn. Public comments will be requested

regarding the adequacy of existing corn standards: (e.g. tolerances, classification system, language clarity, and other potential improvements). The review is being initiated to meet the



## USDA—FGIS

## Prerule Stage

requirements of Executive Order 12291 and Departmental Regulation 1521 to conduct periodic reviews of existing regulations. This action is a routine administrative review. Alternatives to the existing standards will be considered as the review schedule progresses and public comments are evaluated.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/92	
ANPRM	10/00/92	
Comment		
Period End		
NPRM	04/00/93	
NPRM Comment	05/00/93	
Period End		
Final Action	09/00/93	
Final Action	10/00/94	
Effective		

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** None

**Agency Contact:** George Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA28

**DEPARTMENT OF AGRICULTURE (USDA)**  
**Federal Grain Inspection Service (FGIS)**

## Proposed Rule Stage

**182. A REVIEW OF THE REGULATIONS UNDER THE UNITED STATES GRAIN STANDARDS ACT: PART 800**

**Legal Authority:** 7 USC 71 to 87

**CFR Citation:** 7 CFR 800

**Legal Deadline:** None

**Abstract:** Under the requirements of Executive Order 12291 to periodically review all existing regulations, and USDA Departmental Regulation 1512-1 to conduct each such review within a five-year timeframe, the Federal Grain Inspection Service will review its General Regulations under the United States Grain Standards Act. To simplify and promote a better understanding of policies and procedures, FGIS will be proposing changes to the regulations. Alternatives will be considered after receipt of public comments.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	05/00/93	
Period End		
Final Action	09/00/93	
Final Action	10/00/93	
Effective		
Begin Review	06/00/95	
End Review	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Combined with RIN 0580-AA08

**Agency Contact:** George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, Box

96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA08

**183. REGULATORY APPLICATION OF WATER TO GRAIN**

**Legal Authority:** 7 USC 71 et seq

**CFR Citation:** 7 CFR 800.61 (a)(1); 7 CFR 800.61 (a)(2)

**Legal Deadline:** None

**Abstract:** FGIS proposes to regulate the application of water to grain. The indiscriminate application of water to grain may adversely impact on the storability of such grain and may detract from the quality of such grain.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	02/00/93	
Final Action	03/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, Box 96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA25

**184. ● FEES FOR OFFICIAL INSPECTION AND WEIGHING SERVICES**

**Legal Authority:** 7 USC 71 et seq

**CFR Citation:** 7 CFR 800.71

**Legal Deadline:** None

**Abstract:** The Federal Grain Inspection Service (FGIS) proposes to increase its fees on average by 4.2 percent for Official Inspection and Weighing Services performed in the United States under the United States Grain Standards Act (USGSA), as amended. The USGSA provides for establishment of fees which are to cover the costs for performance of these official services. FGIS's current fee does not generate sufficient revenue to cover any of the approved FY 1992 4.2 percent federal employee raise.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	10/00/92	
Period End		
Final Action	12/00/92	
Final Action	01/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA27

**185. ● UNITED STATES STANDARDS FOR BARLEY**

**Legal Authority:** 7 USC 71 et seq

**CFR Citation:** 7 CFR 810

**Legal Deadline:** None

**Abstract:** The Federal Grain Inspection Service proposes to initiate a review of the United States Standards for Barley.



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Public comments will be requested regarding the adequacy of existing barley standards: (e.g., tolerances, classification system, language clarity, and other potential improvements). The review is being initiated to meet the requirements of Executive Order 12291 and Departmental Regulation 1521 to conduct periodic reviews of existing regulations. This action is a routine administrative review. Alternatives to the existing standards will be considered as the review schedule progresses and public comments are evaluated.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	08/00/93	
Final Action Effective	09/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA29

**186. UNITED STATES STANDARDS FOR RICE**

**Legal Authority:** 7 USC 1622

**CFR Citation:** 7 CFR 68

**Legal Deadline:** None

**Abstract:** The Federal Grain Inspection Service proposes to initiate a review of

the United States Standards for Rice. Public comments will be requested regarding the adequacy of existing rice standards: (e.g., tolerances, classification system, language clarity, and other potential improvements). The review is being initiated to meet the requirements of Executive Order 12291 and Departmental Regulation 1521 to conduct periodic reviews of existing regulations. Alternatives to the existing standards will be considered as the review schedule progresses and public comments are evaluated.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/22/92	57 FR 2482
ANPRM Comment Period End	04/21/92	
NPRM	11/00/92	
NPRM Comment Period End	01/00/93	
Final Action	04/00/93	
Final Action Effective	04/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA30

**187. UNITED STATES STANDARDS FOR BEANS, WHOLE DRY BEANS, SPLIT PEAS AND LENTILS**

**Legal Authority:** 7 USC 1622

**CFR Citation:** 7 CFR 68

**Legal Deadline:** None

**Abstract:** The Federal Grain Inspection Service proposes to initiate a review of the United States Standards for Beans, Whole Dry Peas, Split Peas, and Lentils. Public comments will be requested regarding the adequacy of existing standards: (e.g., tolerances, classification system, language clarity, and other potential improvements). The review is being initiated to meet the requirements of Executive Order 12291 and Departmental Regulation 1521 to conduct periodic reviews of existing regulations. Alternatives to the existing standards will be considered as the review schedule progresses and public comments are evaluated.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/22/92	57 FR 2482
ANPRM Comment Period End	04/21/92	
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	01/00/93	
Final Action Effective	01/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA31

**DEPARTMENT OF AGRICULTURE (USDA)**

**Final Rule Stage**

**Federal Grain Inspection Service (FGIS)**

**188. UNITED STATES STANDARDS FOR SORGHUM**

**Legal Authority:** 7 USC 75a; 7 USC 76

**CFR Citation:** 7 CFR 810.1401; 7 CFR 810.1402; 7 CFR 810.1403; 7 CFR 810.1404; 7 CFR 810.1405

**Legal Deadline:** None

**Abstract:** Based upon recommendations of the Grain Quality Workshops (which includes representatives from different segments of the industry, government, and academia), and from the National

Grain Sorghum Producers Association as well other sources of information, FGIS will propose changes to the sorghum standards. Changes will be proposed to offer end-users the best possible information from which to determine end-product yield and quality, and facilitate the marketing of sorghum. Alternatives will be considered after evaluation of public comments.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/91	56 FR 13420
NPRM Comment Period End	06/03/91	56 FR 13420
Final Action	11/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None



## USDA—FGIS

## Final Rule Stage

**Agency Contact:** George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, Box 96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA10

### 189. UNITED STATES STANDARDS FOR SOYBEANS

**Legal Authority:** 7 USC 75a; 7 USC 76

**CFR Citation:** 7 CFR 810

**Legal Deadline:** None

**Abstract:** According to the requirements of Executive Order 12291 and Departmental Regulation 1512-1 regarding periodic reviews of existing regulations, the Federal Grain Inspection Service will review the United States Standards for Soybeans. Public comment will be requested on various aspects of the Standards including tolerances, grading limits, definitions, language clarity and other potential improvements.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/09/90	55 FR 8956
ANPRM	06/07/90	
Comment		
Period End		
NPRM	07/02/91	56 FR 30342
NPRM Comment	09/03/91	56 FR 30342
Period End		
Final Action	01/00/93	
Final Action	02/00/93	
Effective		
Begin Review	04/00/96	
End Review	07/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, Box 96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA14

### 190. UNITED STATES STANDARDS FOR WHEAT

**Legal Authority:** 7 USC 75a; 7 USC 76

**CFR Citation:** 7 CFR 810

**Legal Deadline:** None

**Abstract:** According to the requirements for the periodic review of existing regulations, the Federal Grain

Inspection Service (FGIS) invites comments and suggested changes to the United States Standards for Wheat under the United States Grain Standards Act.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/27/89	54 FR 48752
ANPRM	01/26/90	
Comment		
Period End		
NPRM	07/01/91	56 FR 29907
NPRM Comment	08/30/91	56 FR 29907
Period End		
Final Action	01/00/93	
Final Action	02/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, Box 96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA15

### 191. ● GENERAL REGULATIONS (BC + FM - BN + FM)

**Legal Authority:** 7 USC 71 et seq

**CFR Citation:** 7 CFR 800; 7 CFR 800.162

**Legal Deadline:** None

**Abstract:** The Federal Grain Inspection Service (FGIS) is amending the regulations under the United States Grain Standards Act (USGSA) to discontinue the mandatory reporting requirements for the individual components broken certificate for grade representing nonexport inspections of corn and sorghum. This information will continue to be available on a request basis.

**Timetable:**

Action	Date	FR Cite
NPRM	03/23/90	55 FR 10784
NPRM Comment	04/22/90	
Period End		
Final Action	11/00/92	
Final Action	12/00/92	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O.

Box 96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA32

### 192. ● CERTIFICATE OF ADDITIVE-TREATED GRAIN

**Legal Authority:** 7 USC 71 et seq

**CFR Citation:** 7 CFR 800; 7 CFR 800.88(d); 7 CFR 800.96(c)(2)

**Legal Deadline:** None

**Abstract:** The Federal Grain Inspection Service (FGIS) is proposing to revise the regulations under the United States Grain Standards Act (USGSA) concerning the certification of additive-treated export grain at export port locations. The proposal would establish a requirement for showing a statement on official inspection and weight certificates whenever additives (except fumigants applied for the purpose of insect control) are applied to export grain at export port locations. FGIS is very concerned about potentially improper additive applications. This proposed action would ensure that buyers of export grain are properly informed when additives have been applied.

**Timetable:**

Action	Date	FR Cite
NPRM	07/17/92	57 FR 31688
NPRM Comment	08/03/92	
Period End		
Interim Final	11/00/92	
Rule		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O. Box 96454 20090-6454, 202 720-0292

**RIN:** 0580-AA33

### 193. ● ISSUANCE OF OFFICIAL CERTIFICATES

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 71 et seq

**CFR Citation:** 7 CFR 800; 7 CFR 800.84(c); 7 CFR 800.160(a)

**Legal Deadline:** None

**Abstract:** The Federal Grain Inspection Service (FGIS) is revising the regulations under the United States



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Grain Standards Act (USGSA) regarding the required issuance by official inspection personnel of an official certificate for each single lot inspection of grain in a land carrier, container, or barge. Specifically, FGIS is revising the requirement by establishing an exception for such lots of grain inspection according to instructions that permit certification at the option of the applicant for inspection. FGIS has determined that official certificates are not always necessary to the trading of

grain. This action will allow the implementation of instructions that provide for issuing certificates on an optional basis.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/03/92	57 FR 11427
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

**RIN:** 0580-AA34

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Federal Grain Inspection Service (FGIS)

**194. UNITED STATES STANDARDS FOR CANOLA**

**CFR Citation:** Not yet determined

**Completed:**

Reason	Date	FR Cite
Final Action	01/29/92	57 FR 3271
Final Action Effective	02/28/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George W. Wollam, 202 720-0292

**RIN:** 0580-AA12

**195. OFFICIAL PERFORMANCE REQUIREMENTS FOR GRAIN INSPECTION EQUIPMENT**

**Significance:** Agency Priority

**CFR Citation:** 7 CFR 801

**Completed:**

Reason	Date	FR Cite
Final Action	01/23/92	57 FR 2673
Final Action Effective	02/24/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George W. Wollam, 202 720-0292

**RIN:** 0580-AA21

**196. AFLATOXIN TESTING SERVICES**

**CFR Citation:** 7 CFR 800.15; 7 CFR 800.16; 7 CFR 800.162

**Completed:**

Reason	Date	FR Cite
Final Action	01/22/92	57 FR 2438
Final Action Effective	02/21/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George W. Wollam, 202 720-0292

**RIN:** 0580-AA24

**BILLING CODE** 3410-EN-F

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Food and Nutrition Service (FNS)

**197. SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS**

**Significance:** Regulatory Program

**Legal Authority:** PL 99-603 Immigration Reform and Control Act of 1986, sec 121

**CFR Citation:** 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 275; 7 CFR 277

**Legal Deadline:** Other, Statutory, October 1, 1988.

Deadline for interim final rule.

**Abstract:** This rule establishes procedures for State agencies to use to participate in the Systematic Alien Verification for Entitlements (SAVE) system. As required by IRCA, the Immigration and Naturalization Service (INS) implemented this system. IRCA

requires the Food Stamp Program (FSP) and certain other entitlement programs to use SAVE to verify the immigration status of aliens applying for benefits. The rule also provides guidelines for Federal reimbursement of administrative costs. In addition the rule implements nondiscretionary provisions of IRCA requiring all household members to attest to their citizenship or alien status and certain requirements relating to documentation of alien status. (87-009)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/07/88	53 FR 39433

Action	Date	FR Cite
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Begin Review 07/00/93

End Review 10/00/93

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Federal

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA73



**DEPARTMENT OF AGRICULTURE (USDA)**  
**Food and Nutrition Service (FNS)**

**Proposed Rule Stage**

**198. RULES OF PROCEDURE**

**Legal Authority:** PL 100-435, Sec 603

**CFR Citation:** 7 CFR 275; 7 CFR 276; 7 CFR 283

**Legal Deadline:** NPRM, Statutory, October 1, 1985.

Retroactive for Fiscal Year 1985 quality control payment error rate liability claims.

**Abstract:** This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) revised the Food Stamp Act of 1977, as amended, specifying that Food Stamp Program quality control (QC) payment error rate (PER) liability appeals by State agencies be conducted by Administrative Law Judges. The use of Administrative Law Judges replaces the current appeal process which is conducted by the State Food Stamp Appeals Board. This regulation will delineate the procedures to be followed in these QC appeals. (88-011)

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA75

**199. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): FOOD DELIVERY SYSTEMS**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** None

**Abstract:** A proposed rule addressing WIC Food Delivery Systems was published on December 28, 1990. The Department provided a 120-day comment period for the proposed rule, which closed on April 29, 1991. Nearly 1100 comments were received from a wide variety of sources. Despite the

degree of preliminary input to the December 28, 1990 proposed rule, many of the commenters responding during the formal comment period suggested that the Department's food delivery regulations needed to be proposed again, rather than proceeding directly to a final rule. In addition, several members of Congress requested that the rule be re-proposed in light of its impact on State agency food delivery systems. Therefore, the Department intends to issue a second proposed rule addressing WIC food delivery systems and requirements. This second rule will address all of the provisions contained in the previous rulemaking, but will contain significant modifications to some of the proposed provisions, as well as clarifications to several provisions, which may not have been clearly understood in the earlier rule.

**Timetable:**

Action	Date	FR Cite
NPRM	12/28/90	55 FR 53446
NPRM Comment Period End	04/29/91	
NPRM	04/00/93	
NPRM Comment Period End	06/00/93	
Final Action	09/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Sectors Affected:** None

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA80

**200. FOOD STAMP PROGRAM: EMERGENCY ASSISTANCE FOR VICTIMS OF DISASTERS**

**Legal Authority:** 7 USC 2013 (b); 7 USC 2014 (h)

**CFR Citation:** 7 CFR 272; 7 CFR 273; 7 CFR 280

**Legal Deadline:** None

**Abstract:** This rule would define special eligibility and issuance procedures during disasters. The rule addresses the eligibility and issuance of food stamps by the Food Stamp Program during a disaster.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	03/00/93	
Final Action	12/00/93	
Final Action Effective	01/00/94	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA85

**201. FOOD STAMP PROGRAM: STUDENT ELIGIBILITY AND TREATMENT OF EDUCATIONAL ASSISTANCE**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2011 to 2032; PL 101-624; PL 100-50; PL 101-392; PL 102-237

**CFR Citation:** 7 CFR 272; 7 CFR 273

**Legal Deadline:** Other, Statutory, October 1, 1991.

Effective the first day of the month 120 days after publication. Must be promulgated by 10/01/91.

**Abstract:** This action proposes to implement the provisions of Public Law 101-624 governing student eligibility for the Food Stamp Program and the treatment of educational assistance as excluded income or resources.

This action also proposes to regulate provisions of Public Law 100-50 and Public Law 101-392 and Public Law 102-325 governing the treatment of certain Federal educational assistance as excluded income and/or resources for food stamp purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State



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**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA90

**202. FOOD STAMP PROGRAM: INCOME EXEMPTION FOR HOMELESS HOUSEHOLDS IN TRANSITIONAL HOUSING FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2011 to 2032; PL 101-624

**CFR Citation:** 7 CFR 272; 7 CFR 273

**Legal Deadline:** Final, Statutory, October 1, 1991.

Provision becomes effective and must be implemented first day of the month, 120 days after publication. Must be promulgated no later than 10/01/91.

**Abstract:** This rule proposed to implement a provision of the Leland Act which allows an income exclusion for households living in transitional housing that is equal to 50 percent of the maximum shelter allowance provided to families receiving Aid to Families with Dependent Children residing in permanent housing under a State agency's approved AFDC Plan.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	01/00/93	
Final Action	05/00/93	
Final Action Effective	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA96

**203. FOOD STAMP PROGRAM: QUALITY CONTROL REVIEW OF NEGATIVE ACTIONS**

**Legal Authority:** 7 USC 2025

**CFR Citation:** 7 CFR 272.1(g); 7 CFR 275.11(e); 7 CFR 272.13; 7 CFR 272.14; 7 CFR 275.21

**Legal Deadline:** None

**Abstract:** This regulatory action will improve the efficiency of Food Stamp Program Quality Control (QC) negative reviews, which measure the accuracy of State agencies' denials and terminations of participation in the Food Stamp Program. This rule will address which negative actions are subject to review, when they will be sampled and how they will be reviewed. It is expected that the revised system will provide broader, more useful information at no higher cost.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment Period End	04/00/93	
Final Action	07/00/93	
Final Action Effective	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB07

**204. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): PART 246.10, FOOD PACKAGE III CHILDREN/WOMEN WITH SPECIAL DIETARY NEEDS**

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** None

**Abstract:** Food Package III will be revised to increase the maximum quantity of special formula authorized per month; clarify what formula is; add additional authorized WIC foods to the package; and address tailoring.

**Need for Action:**

This special dietary package currently provides special formula, juice, and cereal. It was designed specifically to assist low-income women and children who require special formulas due to medical conditions. Without WIC these

individuals would have difficulty in obtaining special formulas, which tend to be quite expensive. Program administrators, participants and the National Advisory Council on Maternal, Infant and Fetal Nutrition recognize that current monthly maximum quantity of formula allowed is sometimes not sufficient and recommend that it be increased. They also recognized that there is a nutritional need for additional WIC foods to be made available to participants receiving this package. This is a very infrequently used package and the proposed rule will in no way affect the other WIC food packages.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment Period End	06/00/93	
Final Action	09/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB09

**205. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): MISCELLANEOUS PROVISIONS**

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** None

**Abstract:** This proposed rule responds to a variety of program concerns, most of which have been expressed by WIC State agencies. The proposal strengthens the provision of services to participants in the areas of eligibility determination and nutrition education and increases State agency flexibility regarding the age of medical data and the sharing of participant information with other programs. Several minor clarifications and technical corrections are also made. Principal provisions include: (1) mandatory minimum content requirements for nutrition education participant contacts; (2) State agency discretion to accept medical data over 60 days old under certain



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circumstances; (3) additional flexibility for State agencies to share participant information with related programs; and (4) mandatory eligibility determination within 20 days of request of program benefits, whether by phone, letter, or personal appearance.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment	07/00/93	
Period End		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB10

#### 206. NUTRITION EDUCATION AND TRAINING (NET) PROGRAM CHANGED ADMINISTRATIVE REQUIREMENTS

**Legal Authority:** PL 101-147

**CFR Citation:** 7 CFR 227

**Legal Deadline:** None

**Abstract:** This rulemaking proposes to amend the Nutrition Education and Training (NET) Program regulations to incorporate changes to the Program brought about by the enactment of P.L. 101-147 on November 10, 1989. These changes include the required utilization by State and local NET programs of materials and services developed by the National Food Service Management Institute to be established under the National School Lunch Act, the inclusion of Summer Food Service Program participants as NET beneficiaries, the replacement of an annual State Plan requirement with an annual Plan update, changes in the formula for allocating Program funds to States, and several technical amendments intended to bring Program regulations into conformance with non-Program changes which resulted from P.L. 101-147.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB15

#### 207. CHILD AND ADULT CARE FOOD PROGRAM: CHILD NUTRITION AND WIC REAUTHORIZATION ACT AMENDMENTS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1766; PL 101-147

**CFR Citation:** 7 CFR 226

**Legal Deadline:** Other, Statutory, July 1, 1990.

**Abstract:** Implements certain provisions of P.L. 101-147, including the provision of expansion funds to family day care home sponsors for rural and low-income area outreach; authority for State agencies to establish an every-other-year sponsor application process; a reduction in the number of required monitoring visits in school-sponsored child care; authority for State governors to designate an alternate State agency to administer the adult day care portion of the Program; and a change in the basis for determining States' Program commodity entitlement from current year to prior year data.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Building, 3101

Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB16

#### 208. CHILD AND ADULT CARE FOOD PROGRAM: AUTHORITY TO COLLECT OVERCLAIMS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1768

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

**Abstract:** Establishes the Department's authority to collect overclaims where participating institutions fail to comply with regulatory recordkeeping requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB19

#### 209. CHILD AND ADULT CARE FOOD PROGRAM: PROHIBITION OF INSTITUTIONALIZED ADULTS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1768

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

**Abstract:** Clarifies the statutory intent of P.L. 100-175, the Older Americans Act of 1987, by incorporating into regulations a provision under which adults residing in institutions are not eligible for benefits under the Child and Adult Care Food Program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		
Final Action	06/00/93	

**Small Entities Affected:** None



## USDA—FNS

## Proposed Rule Stage

**Government Levels Affected:** State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB21

### 210. CONFIDENTIALITY OF INFORMATION PROVIDED ON APPLICATIONS FOR FREE AND REDUCED PRICE MEALS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1758

**CFR Citation:** 7 CFR 245

**Legal Deadline:** None

**Abstract:** Current policy prohibits the use of information provided on applications for free and reduced price meals for any purpose other than determining eligibility for these benefits. However, there is considerable interest in making this information available for other purposes, such as vocational education, free textbooks or, in one State, Medicare benefits. We recognize the value of sharing information from the standpoint of paperwork reduction; nevertheless, we have a number of concerns about potential misuse of the information. Because the subject is highly sensitive, we are considering a notice of intent to publish a proposed rule. Depending on the response to this notice, we will decide if further rulemaking is justified.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/93	
NPRM Comment	11/00/93	
Period End		
Final Action	02/00/94	
Final Action	03/00/94	
Effective		

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB22

### 211. FOOD DISTRIBUTION PROGRAMS—PAPERWORK REDUCTION

**Significance:** Agency Priority

**Legal Authority:** PL 101-147

**CFR Citation:** 7 CFR 250; 7 CFR 251

**Legal Deadline:** None

**Abstract:** This rule will implement the food distribution portion of the recommendations of the August 1990 task force on paperwork reduction. These recommendations were included in a report to Congress and included perpetual State/Federal agreements and longer contract duration for warehouses.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment	03/00/93	
Period End		
Final Action	12/00/93	
Final Action	01/00/94	
Effective		

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB27

### 212. FOOD DISTRIBUTION PROGRAMS—IMPLEMENTATION OF 1990 FARM BILL

**Significance:** Agency Priority

**Legal Authority:** PL 101-624

**CFR Citation:** 7 CFR 250; 7 CFR 251

**Legal Deadline:** Final, Statutory, July 30, 1992.

**Abstract:** This rule will implement the following provisions of Pub. L. 101-624 (1) revised requirements for evaluation of State warehousing and distribution systems and conversion to commercial systems; (2) procedures for State option contracts (SOCs), including timeframes for States to reimburse USDA for processing costs; and (3) procedures for distribution of soup kitchen commodities to "food pantries."

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		
Final Action	10/00/93	
Final Action	11/00/93	
Effective		

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB28

### 213. STATE PROCESSING AND NATIONAL COMMODITY PROCESSING ACTIVITIES

**Significance:** Agency Priority

**Legal Authority:** PL 101-147

**CFR Citation:** 7 CFR 250; 7 CFR 252

**Legal Deadline:** None

**Abstract:** This proposed rule amends the Food Distribution Program regulations to strengthen provisions concerning the processing of donated food and to increase uniformity between provisions governing State processing activities in 7 CFR part 250 and those governing the national commodity processing program in 7 CFR part 252.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		
Final Action	09/00/93	
Final Action	11/00/93	
Effective		

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park



## USDA—FNS

## Proposed Rule Stage

Center Drive, Alexandria, VA 22302,  
703 305-2279

RIN: 0584-AB30

**214. STATE ADMINISTRATIVE EXPENSE FUNDS: NATIONAL SCHOOL LUNCH PROGRAM, SPECIAL MILK PROGRAM, SCHOOL BREAKFAST PROGRAM, CHILD AND ADULT CARE FOOD PROGRAMS, FOOD DISTRIBUTION PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** PL 101-147

**CFR Citation:** 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 235

**Legal Deadline:** Final, Statutory, October 1, 1991.

**Abstract:** Implements provisions of the Child Nutrition and WIC Reauthorization Act of 1989 which affected State Administrative Expense funding. Specifically, limits the amount of funds a State may carry over from one fiscal year to the next, specifies how funds returned by the State are to be redistributed, requires a portion of funds to be used for food distribution purposes and authorizes direct payments to alternate agencies operating the audit component of the Child and Adult Care Food Program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	06/00/93	
Final Action Effective	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

RIN: 0584-AB31

**215. ● CHILD AND ADULT CARE FOOD PROGRAM: PAPERWORK REDUCTION REGULATIONS**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1766

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

**Abstract:** Implements certain recommendations made by the Paperwork Reduction Taskforce established under the Child Nutrition and WIC Reauthorization Act Amendments of 1989. These recommendations include (1) a reduction in the number of certain sponsor review requirements, (2) an increase in the overclaim disregard threshold and (3) modifications to the procedures for State verification of free and reduced price applications.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, Alexandria, VA 22302, 703 305-2279

RIN: 0584-AB33

**216. ● CHILD NUTRITION PROGRAMS: REVISION OF INFANT MEAL PATTERNS FOR THE CHILD NUTRITION PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1758; 42 USC 1766 (g)(1); 42 USC 1733 (e)(1)

**CFR Citation:** 7 CFR 210; 7 CFR 220; 7 CFR 226

**Legal Deadline:** None

**Abstract:** Implements provision in the National School Lunch, School Breakfast and Child and Adult Care Food Program regulations under which reimbursement would be provided for meals served to infants which contain only breast milk.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service,

Room 803, Park Office Center,  
Alexandria, VA 22302, 703 305-2279

RIN: 0584-AB34

**217. ● COMMODITY SUPPLEMENTAL FOOD PROGRAM: ELDERLY-ONLY SITES, ADMINISTRATIVE FUNDING, REFERRALS TO HEALTH AND SOCIAL SERVICES, CASELOAD ALLOCATION PROCESS, PRIORITY SYSTEM AND MISCELLANEOUS**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 512(c)

**CFR Citation:** 7 CFR 247

**Legal Deadline:** Final, Statutory, October 1, 1991. Other, Statutory, October 1, 1990.

Statutory deadline in P.L. 101-624 for funding provisions only was 10/01/90; all other provisions to be implemented by regulation by 10/01/91.

**Abstract:** This rule is being proposed in response to changes brought about by Pub. L. 101-624 and to strengthen other program areas. This proposed rule will implement those provisions of Pub. L. 101-624 which affect the Commodity Supplemental Food Program (CSFP) and which do not require Department discretion. The following list includes those provisions addressed in this rulemaking: (1) authorizes State agencies to operate elderly-only sites; (2) provides administrative funding to agencies not to exceed 20 percent of the annual appropriation; and (3) mandates that State agencies serving women, infants and children: (a) distribute written information on Food Stamps, AFDC, and Child Support Enforcement Programs; (b) provide each local agency with materials showing the income limits according to family size, applicable to pregnant women, infants, and children in the Medicaid Program; and (c) distribute written information on and referrals to the Medicaid Program, when appropriate. State agencies serving elderly persons shall ensure that written information is provided on Food Stamps, Supplemental Security Income benefits, and Medicaid. (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	02/00/93	
Final Action	06/00/93	

**Small Entities Affected:** None



## USDA—FNS

## Proposed Rule Stage

**Government Levels Affected:** Local, State

**Additional Information:** ABSTRACT CONT: This rulemaking is also responsive to a variety of program concerns. The proposal strengthens the provision of services to participant in the area of nutrition education. In addition the rule: revises and simplifies the caseload allocation and priority system processes; increases State agency flexibility in determining the share of administrative funding to be retained at the State level; revises the State Plan requirements; and incorporates an administrative appeals procedure. Several minor clarifications and technical corrections are also made, such as updating the Financial Management requirements. The Department also proposes a reorganization of Program regulations for ease of use.

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB37

**218. ● FOOD STAMP PROGRAM: QUALITY CONTROL TECHNICAL AMENDMENTS**

**Legal Authority:** 7 USC 2013; 7 USC 2025

**CFR Citation:** 7 CFR 275

**Legal Deadline:** None

**Abstract:** The Food and Nutrition Service is proposing six technical changes to the Food Stamp Program's Quality Control System. These changes would reduce the workload on State agencies and improve the efficiency of the quality control system. The six proposed changes would: (1) permit State agencies to reduce their sample sizes; (2) clarify sampling procedures; (3) change the way Federal subsample sizes are calculated; (4) change the way FNS avoids double-billing for non-compliance; (5) change the way State agencies request arbitration; and (6) change the way Federal findings are treated once FNS sends them to the State agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	06/00/93	
Final Action Effective	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB38

**219. ● FOOD STAMP PROGRAM: MISCELLANEOUS PROVISIONS OF THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1991 AND EARNED INCOME TAX CREDIT**

**Legal Authority:** 7 USC 2011 to 2032; PL 102-237; PL 101-508

**CFR Citation:** 7 CFR 273.8; 7 CFR 273.21

**Legal Deadline:** None

**Abstract:** This rule addresses two provisions of the Food, Agriculture, Conservation, and Trade Act of 1991. Pursuant to Section 910 of that Act, in cases subject to Monthly Reporting and Retrospective Budgeting (MRRB), the rule prohibits proration during the certification period when a new member is added to the household except for the initial month. Pursuant to Section 908 postpones until April 1993, a provision contained in final rules published on 12/04/91 (56 FR 63597) which mandates exclusion of households residing on Indian reservations from monthly reporting effective 02/02/91. This rule addresses a provision of Public Law 101-508 which provides that Earned Income Tax Credits are excluded from consideration as a countable resource. This provision was implemented on 01/01/91 by Agency directive. This rulemaking formally incorporates the provision into the Code of Federal Regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	02/00/93	
Final Action Effective	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB39

**220. ● FOOD STAMP PROGRAM: RESOURCE PROVISION FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT OF 1990 AND THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1991**

**Legal Authority:** 7 USC 2011 to 2032; PL 101-624; PL 102-237

**CFR Citation:** 7 CFR 273.8

**Legal Deadline:** None

**Abstract:** This rule was published, proposed on August 13, 1991. After full consideration of comments, the Department has decided that a new proposed rulemaking is warranted to take into consideration comments received and recent legislative changes to the provision as a result of PL 102-237.

The new proposed rule will exempt from consideration as a resource, resources which meet three tests. The tests are: (1) it would need to be jointly owned by the household and other parties; (2) the household could not have access to its share without agreement of the other owners, i.e., the resource is not readily divisible; and (3) the sale of the resource would not yield a significant return or would not yield a significant amount of funds for the support of the household. "Significant amount of funds" is defined as an amount greater than half the applicable resource limit for the household, in accordance with 7 CFR 273.8, after any expenses of the sale are deducted. "A significant return"



## USDA—FNS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	12/00/92	
Final Action	04/00/93	
Final Action Effective	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB40

**221. ● FOOD STAMP PROGRAM: TECHNICAL AMENDMENTS CONCERNING DISABLED IN GROUP HOMES AND INCOME EXCLUSIONS FOR PLANS FOR ACHIEVING SELF-SUPPORT (PASS) - PUBLIC LAW 102-237**

**Legal Authority:** 7 USC 2011 to 2032; PL 102-237

**CFR Citation:** 7 CFR 273.9

**Legal Deadline:** None

**Abstract:** This rulemaking addresses sections 901 and 903 of Pub. L. 102-237. Section 901 expands eligibility to receive food stamps and to use them to purchase meals prepared by certain group living arrangements to all individuals who meet the definition of disabled in the Food Stamp Act and reside in certain group homes. This rulemaking resolves an inequity under which persons receiving disability or blindness payments under certain sections of the Social Security Act were eligible to use food stamps to purchase meals prepared and served by these homes while other persons considered disabled under the Food Stamp Act but not receiving disability or blindness payments under the Social Security Act were not eligible to use food stamp to purchase such meals. Section 903 adds an additional income exclusion. Certain recipients of Supplemental Security

Income can have a Plan for Achieving Self-Support (PASS). Amounts held in PASS accounts to fulfill this Plan are currently excluded as a resource. Under this rulemaking, PASS amounts will also be excluded from income for food stamp purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB41

**222. ● FOOD STAMP PROGRAM: PERFORMANCE STANDARDS FOR THE EMPLOYMENT AND TRAINING PROGRAM**

**Legal Authority:** PL 102-237

**CFR Citation:** 7 CFR 273

**Legal Deadline:** None

**Abstract:** The Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (PL 102-237) mandate that the performance standard for the Food Stamp Employment and Training Program shall not exceed 10 percent in Fiscal Years 1992 and 1993, and 15 percent in Fiscal Years 1994 and 1995. The rule proposes a performance standard of 10 percent through Fiscal Year 1994 with an increase to 15 percent in Fiscal Year 1995.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	01/00/93	
Final Action	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB46

**223. ● DISTRIBUTION OF EMPLOYMENT AND TRAINING PERFORMANCE-BASED FUNDS**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2011 to 2032; PL 102-237

**CFR Citation:** 7 CFR 273.7

**Legal Deadline:** None

**Abstract:** The rule proposes to freeze Federal Employment and Training performance-based grants at the levels the States will receive in Fiscal Year 1993 in each subsequent fiscal year until outcome-based performance standards are implemented. The proposed action will bring the Food Stamp Program regulations into compliance with certain statutory requirements enacted by the Food, Agriculture, Conservation and Trade Act Amendments of 1991 (PL 102-237).

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	01/00/93	
Final Action	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB47



**DEPARTMENT OF AGRICULTURE (USDA)**  
**Food and Nutrition Service (FNS)**

**Final Rule Stage**

**224. CHILD AND ADULT CARE FOOD PROGRAM—ADULT DAY CARE PROVISION**

**Legal Authority:** 42 USC 1758; 42 USC 1759a; 42 USC 1762a; 42 USC 1765; 42 USC 1768

**CFR Citation:** 7 CFR 226

**Legal Deadline:** None

**Abstract:** The rule amends the Child and Adult Care Food Program (CACFP) regulations by providing program eligibility for certain adult day care centers. It implements a provision of the Older Americans Act (OAA) Amendments of 1987, which allows these centers to receive cash and commodity assistance available under the CACFP for meals served to eligible enrolled individuals and a provision of the Rural Development, Agriculture and Related Agencies Appropriations Act of 1989, which provides categorical eligibility for free meals for participants of these centers who receive assistance under Title XVI or XIX in the Social Security Act or are members of a household receiving assistance under the Food Stamp Act and defines the income to be included in determining eligibility for free and reduced-price meal benefits. (FNS 88-502)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/28/88	53 FR 52584
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA74

**225. OUTCOME-BASED PERFORMANCE STANDARDS FOR FOOD STAMP EMPLOYMENT AND TRAINING PROGRAMS**

**Significance:** Regulatory Program

**Legal Authority:** PL 100-435

**CFR Citation:** 7 CFR 271; 7 CFR 273

**Legal Deadline:** Final, Statutory, October 1, 1991.

The new performance standards as required by regulations must be

implemented by States by October 1, 1991.

**Abstract:** The Hunger Prevention Act of 1988 mandates that the U.S. Department of Agriculture change the basis of its performance standards for Food Stamp Employment and Training programs from process-based to outcome-based measures. Consequently, the Food Stamp regulations must be revised to reflect the new measurement criteria for performance and the methodology for computing the new standards.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/91	56 FR 43152
NPRM Comment Period End	10/29/91	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA82

**226. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN NONDISCRETIONARY FUNDING RULE**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** Final, Statutory, October 1, 1989.

The law made these provisions effective October 1, 1989.

**Abstract:** This regulation would set forth the major revisions to the funds allocation process brought about by Public Law 101-147. The objective of this action is to provide guidelines for the allocation of funds, including changes in the administrative funding structure, breastfeeding targets, and conversion of food funds to administrative funds.

The revised funding structure eliminates the 20 percent limit on administrative and program services funds. Instead, administrative and program services funding will be determined based on a national administrative grant per person. In addition, State agencies must spend their proportionate shares of at

least \$8 million for breastfeeding promotion in addition to the current 1/6 nutrition education requirement. For those State agencies that achieve participation increases above the federal projected level through acceptable measures such as cost containment, curtailment of vendor abuse, and breastfeeding promotion activities, conversion of food funds to cover administrative expenses is authorized. Finally any State agency using a cost containment measure may temporarily borrow (cont)

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:** ABSTRACT (cont): 1st quarter funds to pay 4th quarter expenses. Timelines for the allocation and reallocation of funds are also established by this rule.

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA83

**227. EMPLOYMENT AND TRAINING PROVISIONS FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2011 to 2032; PL 101-624

**CFR Citation:** 7 CFR 272; 7 CFR 273

**Legal Deadline:** Final, Statutory, October 1, 1991.

**Abstract:** This rule will implement four provisions from Public Law 101-624 that affect the Food Stamp Employment and Training (E&T) Program. These provisions will (1) amend the current rules regarding the "head of household" designation; (2) change the current formula for distributing the non-performance based (\$60 million) portion of the \$75 million Federal E&T grant; (3) expand the E&T program to include literacy and self-employment training as E&T components; and (4) allow two State agencies that have received prior approval of an application to provide



priority service to volunteers. The costs of these provisions are expected to be minimal. The benefit of the above provisions is an overall improvement in the E&T Program.

**Timetable:**

Action	Date	FR Cite
NPRM	08/15/91	56 FR 40570
NPRM Comment Period End	09/16/91	
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Additional Information:** Duplicate of RIN 0584-AB04

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA87

**228. FOOD STAMP APPLICATION AND INCOME EXCLUSION PROVISIONS OF THE 1990 FARM BILL**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2011 to 2032; PL 101-624

**CFR Citation:** 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 274; 7 CFR 275; 7 CFR 276; 7 CFR 277; 7 CFR 278; 7 CFR 279; 7 CFR 280; 7 CFR 281; 7 CFR 282; 7 CFR 283; 7 CFR 284; 7 CFR 285

**Legal Deadline:** None

**Abstract:** This rule implements provisions of the Mickey Leland Memorial Domestic Hunger Relief Act which (1) allow one adult household member to attest to the truth of the information in the application, including information about the alien or citizenship status of each member; (2) exclude from income consideration annual school clothing allowances provided by State agencies; and (3) exclude from income consideration assistance provided under a general assistance program if no assistance is provided in cash under the program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/28/91	56 FR 12843
Final Action Effective	08/01/91	

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA91

**229. FOOD STAMP PROGRAM: TREATMENT OF FOSTER CARE INDIVIDUALS AND FOSTER CARE PAYMENTS**

**Legal Authority:** 7 USC 2011 to 2032

**CFR Citation:** 7 CFR 272; 7 CFR 273

**Legal Deadline:** None  
Retroactive implementation date to date all State agencies directed to implement by FNS memorandum.

**Abstract:** Expands appeals court decisions on treatment of individuals receiving foster care payments when determining the eligibility and benefit level of households caring for such individuals from the districts covered by the appeals courts to all States so that policy is uniform for entire Food Stamp Program. All State agencies were directed to implement policy by court set date, if in district under jurisdiction of one of the appeals courts or by February 1, 1989. FNS implemented policy through memorandum to preclude further legal action.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AA93

**230. FOOD STAMP PROGRAM: RESOURCE EXEMPTION FOR PUBLIC ASSISTANCE/SUPPLEMENTAL SECURITY INCOME FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2011 to 2032; PL 101-624

**CFR Citation:** 7 CFR 272; 7 CFR 273

**Legal Deadline:** Final, Statutory, October 1, 1991.

Provision becomes effective and must be implemented first day, 120 days after publication. Must be promulgated no later than 10/01/91.

**Abstract:** Interim Rule to implement a provision of Public Law 101-624 which allows the exemption of resources for food stamps for certain individuals receiving public assistance or Supplemental Security Income. This provision increases conforming between food stamps, supplemental security, and public assistance.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/20/91	56 FR 23203
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB00

**231. MISCELLANEOUS FARM BILL PROVISIONS RELATING TO THE AUTHORIZATION OF RETAIL FIRMS AND WHOLESALE FOOD CONCERNS**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2011 to 2031; PL 101-624

**CFR Citation:** 7 CFR 271; 7 CFR 272; 7 CFR 274; 7 CFR 278

**Legal Deadline:** Final, Statutory, October 1, 1991.

Effective 120 days from publication of implementing rules.

**Abstract:** This rule would implement three provisions of the 1990 Farm Bill (PL 101-624, 104 stat 3359) which revise



## USDA—FNS

## Final Rule Stage

the Food Stamp Act of 1977, as amended (7 USC 2011 et seq.). The first provision would amend the definition of "food" to include meals sold to the homeless program participants by restaurants approved by State agencies for this purpose. Such restaurants must contract with the State and must be authorized by the Food and Nutrition Service to provide meals at concessional prices to homeless participants. The second provision would allow a periodic reauthorization of retail food stores and wholesale food concerns to participate in the Food Stamp Program. The third provision prohibits a firm which is primarily in the business of selling food at wholesale from being authorized as a retail food store unless failure to authorize such a firm as a retail food store would cause hardship to food stamp households.

**Timetable:**

Action	Date	FR Cite
NPRM	10/23/91	7 FR 54799
NPRM Comment Period End	11/22/91	
Final Action Effective	02/01/92	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB02

### 232. FOOD STAMP PROGRAM: RETAILER WHOLESALER CHANGES

**Legal Authority:** 7 USC 2011 to 2031

**CFR Citation:** 7 CFR 271; 7 CFR 276; 7 CFR 278; 7 CFR 279

**Legal Deadline:** None

**Abstract:** The proposed rule clarifies the Department of Agriculture's policy on authorizing and educating retail grocers who take part in the Food Stamp Program. In addition, the rule sets forth changes in assigning penalties to retailers who violate program rules. The regulations clarify and emphasize the full and ongoing responsibility of retailers for their actions and the actions of their employees. Under the proposed regulations, the severity of the

penalty would not be affected by any warning received by the retailer prior to an investigation. The penalty would be based on the seriousness of the violations committed during the investigation and the level of responsibility for store operations of persons who committed the violations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/28/91	56 FR 12857
NPRM Comment Period End	05/28/91	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB03

### 233. RECIPIENT CLAIMS AND AUTOMATED DATA PROCESSING (ADP) FUNDING REQUIREMENTS FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2011 to 2032; PL 101-624; PL 102-237

**CFR Citation:** 7 CFR 272; 7 CFR 273; 7 CFR 276; 7 CFR 277

**Legal Deadline:** Final, Statutory, October 1, 1991. Other, Statutory, October 1, 1990.  
See Abstract.

**Abstract:** This rule implements three provisions from PL 101-624 that affect Food Stamp recipient claims and ADP funding. For recipient claims, effective October 1, 1990, the timeframe for household election of a repayment method for intentional Program violation (IPV) claims was reduced from 30 to zero days. Also, effective October 1, 1990 for a five-year period, retention rates for collections of recipient claims for State agencies were reduced from 50 to 25 percent for IPV claims and from 25 to 10 percent for inadvertent household errors. Finally, effective October 1, 1991, the enhanced funding rate for costs of planning, designing, developing or installing ADP and information retrieval systems was

reduced from 75 to 63 percent. These provisions will increase amounts of recipient claims collected and returned to the Federal Government and decrease Federal Government administrative costs. This rule will also implement a provision of PL 102-237 which concerns the timeframe for timely electing a repayment method for inadvertent household error (IHE) claims, effective December 13, 1991.

**Timetable:**

Action	Date	FR Cite
NPRM	09/10/91	56 FR 46127
NPRM Comment Period End	10/10/91	
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 756 305-2279

**RIN:** 0584-AB08

### 234. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): FOOD COST CONTAINMENT REQUIREMENTS

**Legal Authority:** 42 USC 1788

**CFR Citation:** 7 CFR 246

**Legal Deadline:** Final, Statutory, March 10, 1991.

**Abstract:** This regulation implements the mandates of Pub. L. 101-147, enacted November 10, 1989, relative to food cost containment in WIC. In order to achieve further savings in the cost of WIC Program foods, principally the cost of infant formula, this rule implements two major legislative provisions. First, it restates and extends into future years the provisions of P.L. 100-460, which mandated that in order to receive its grant allocation a State agency must examine the feasibility of cost containment systems by 8/30/89 and implement a cost containment system where feasible. Second, the rule requires all WIC State agencies using a retail food delivery system, except certain Indian State agencies, to employ one of two infant formula rebate procurement methods. These two



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methods are the competitive method (single-supplier contract) and the comparative method, where the State agency fairly compares the cost savings of any alternative form of infant formula cost containment it may wish to implement. The rebate system generating the greatest savings of those compared must then be implemented. This rule establishes specific factors to be considered in the analysis of the systems after (cont)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/15/90	55 FR 9709
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Analysis:** Regulatory Flexibility Analysis

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** ABSTRACT CONT: completing the cost comparison under comparative method. If the State agency can justify to FNS that the cost containment method resulting in the greatest total savings would cause demonstrable harm to the efficient and effective operation of the WIC Program, a waiver will be granted. Timelines are established in the rule for compliance based on the present rebate contract situation of experiencing unavoidable delays related to the procurement process that prevent the State agency from meeting the implementing timeframes established in the rule.

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB11

**235. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): NONFUNDING MANDATES OF PUBLIC LAW 101-147**

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** Final, Statutory, July 1, 1990.

**Abstract:** This rule amends regulations governing the WIC Program to comply with mandates of Sections 123 and 213 of the Child Nutrition and WIC Reauthorization Act of 1989 (P.L. 101-147) which are not related to the allocation and use of program funds. The following major areas of WIC Program Operation are addressed in this rulemaking: adjunct income eligibility, program access, dissemination of program information, and breastfeeding promotion activities. This rule also expands State agencies discretion to mail food instruments to participants, allow certain States to implement WIC income Eligibility guidelines at the same time as Medicaid guidelines (but not later than July 1) and reduces the frequency in which all States must review their local agencies from annual to biennial. A number of minor mandates of P.L. 101-147 are also addressed in this rulemaking.

Finally, this rule incorporates into the WIC Program regulations by reference the following departmentwide rules: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 7 CFR 3016; and governmentwide Department and (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/90	55 FR 28033
NPRM Comment Period End	08/08/90	55 FR 28033
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:** ABSTRACT (cont): Suspension (Non-Procurement) and governmentwide requirements for a drug-free workplace (Grants), 7 CFR part 3017.

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Building, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB13

**236. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): DRUG ABUSE AND OTHER HARMFUL SUBSTANCES, INFORMATION AND REFERRALS**

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** None

**Abstract:** This action is taken to implement the mandates of P.L. 100-690, the Anti-Drug Abuse Act of 1988.

This rule will define "drug abuse education" for the purpose of the WIC Program; require integration of drug abuse education into the nutrition education component of WIC; emphasize WIC's role in making referrals to drug abuse clinics, treatment programs, counselors, or other drug abuse professionals; and emphasize WIC's obligation to coordinate with alcohol and drug counseling programs as well as drug abuse education programs.

**Timetable:**

Action	Date	FR Cite
NPRM	03/30/90	55 FR 11946
NPRM Comment Period End	05/29/90	55 FR 11946
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB14

**237. DETERMINATION OF ELIGIBILITY FOR FREE MEALS BY SUMMER FOOD SERVICE PROGRAM SPONSORS AND FREE AND REDUCED PRICE MEALS BY CHILD AND ADULT CARE FOOD PROGRAM INSTITUTION**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1758; PL 101-147

**CFR Citation:** 7 CFR 225; 7 CFR 226

**Legal Deadline:** Final, Statutory, July 1, 1990.

**Abstract:** Implements certain provisions of Pub. L. 101-147, including a requirement that applicants for free or



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reduced price meals need only provide the Social Security Number of the household member who signs the application and a requirement that the Program sponsor rather than the applicant total the income information provided.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB17

### 238. ADULT MEAL PATTERN FOR THE CHILD AND ADULT CARE FOOD PROGRAM

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1766; PL 101-147

**CFR Citation:** 7 CFR 226

**Legal Deadline:** Final, Statutory, July 1, 1991.

**Abstract:** Implements a new meal pattern for individuals participating in the Child and Adult Care Food Program in adult day care centers. Also, implements a provision found in P.L. 101-147 that meals served to those individuals meet one-third of the recommended dietary allowances for such individuals.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/90	55 FR 34935
NPRM Comment Period End	10/26/90	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101

Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB18

### 239. SUMMER FOOD SERVICE PROGRAM: CHILD NUTRITION AND WIC REAUTHORIZATION ACT AMENDMENTS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1761

**CFR Citation:** 7 CFR 225

**Legal Deadline:** None

**Abstract:** Implements certain provisions of the Child Nutrition and WIC Reauthorization Act of 1989 including the readmission of certain private, nonprofit sponsors to the Program, the eligibility of food service sites that serve homeless children and the availability of the Program to colleges and universities that operate the National Youth Sports Program during the school year.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/10/90	55 FR 13454
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB20

### 240. MEAL SUPPLEMENTS IN THE NATIONAL SCHOOL LUNCH PROGRAM

**Significance:** Agency Priority

**Legal Authority:** PL 101-147

**CFR Citation:** 7 CFR 210

**Legal Deadline:** Final, Statutory, July 1, 1990.

**Abstract:** Implements provision in the Child Nutrition and WIC Reauthorization Act of 1989 which authorizes schools which serve meal supplements in care programs under the Child Care Food Program as of May 15, 1989, to serve snacks and receive reimbursement under the National School Lunch Program.

**Timetable:**

Action	Date	FR Cite
NPRM	07/02/91	56 FR 30339
NPRM Comment Period End	09/16/91	
Final Action	02/00/93	
Final Action Effective	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB24

### 241. FOOD DISTRIBUTION PROGRAMS—IMPLEMENTATION OF THE HUNGER PREVENTION ACT OF 1988

**Significance:** Agency Priority

**Legal Authority:** PL 100-435

**CFR Citation:** 7 CFR 250; 7 CFR 251

**Legal Deadline:** None

**Abstract:** This rule addresses the Hunger Prevention Act of 1988 including: Increasing the funding for Emergency Feeding Organizations from 20 percent to 40 percent; the distribution of additional commodities for use by Emergency Feeding Organizations (\$120 million) and soup kitchens (\$32 million); and procedures for the distribution of the additional commodities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/06/90	55 FR 12838
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park



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Center Drive, Alexandria, VA 22302,  
703 305-2279

RIN: 0584-AB25

**242. FOOD DISTRIBUTION PROGRAMS—COMMODITY DISTRIBUTION REFORM**

**Significance:** Agency Priority

**Legal Authority:** PL 100-237

**CFR Citation:** 7 CFR 250; 7 CFR 210

**Legal Deadline:** None

**Abstract:** This rule will finalize those sections of the Commodity Distribution Reform Act, P.L. 100-237 requiring the replacement of out-of-condition commodities and commodity delivery schedules to ensure that schedules are established by agencies; the dissemination of summaries of product specifications to recipient agencies; purchase of domestically produced products; testing procedures; establishing commodity values; and offering the per meal value to school food authorities.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/21/88	53 FR 27469
Final Action	02/00/93	
Final Action Effective	03/00/93	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

RIN: 0584-AB26

**243. BENEFIT DELIVERY RULE**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2011 to 2032; PL 101-624; PL 100-435; PL 102-237

**CFR Citation:** 7 CFR 272; 7 CFR 274; 7 CFR 273

**Legal Deadline:** Final, Statutory, October 1, 1991. Other, Statutory, October 1, 1991. See Abstract.

**Abstract:** This final rule implements two provisions from PL 101-624 which

must be implemented by February 1, 1992: aggregate (combined) allotment of benefits to households applying after the 15th of the month, and mail issuance in rural areas where households may experience transportation difficulties obtaining benefits. This rule also delays implementation of staggered issuance on Indian reservations (PL 101-624) until April 1, 1993, in accordance with PL 102-237. This rule also makes final the combined allotment provision from an interim rule published June 7, 1989, at 54 FR 24518, and makes technical changes to current regulatory provisions considered appropriate to clarify and improve benefit issuance.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/20/91	56 FR 23027
ANPRM Comment Period End	06/19/91	
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Building, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

RIN: 0584-AB32

**244. PERMANENT AGREEMENTS/DIRECT CERTIFICATION IN NATIONAL SCHOOL LUNCH, SCHOOL BREAKFAST AND SPECIAL MILK PROGRAMS**

**Significance:** Agency Priority

**Legal Authority:** PL 101-147

**CFR Citation:** 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 245

**Legal Deadline:** None

**Abstract:** The Child Nutrition and WIC Reauthorization Act of 1989 made the agreement between the school and the State agency to operate the school nutrition programs a permanent document to be amended as necessary. This law also authorized schools to certify children as eligible for free meals using information obtained

directly from food stamp/AFDC offices attesting that these children are receiving food stamps or AFDC benefits. This rule implements these statutory provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/28/91	
NPRM Comment Period End	07/29/91	
Final Action	02/00/93	
Final Action Effective	03/00/93	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, Alexandria, VA 22302, 703 305-2279

RIN: 0584-AB35

**245. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): FOOD PACKAGE FOR BREASTFEEDING WOMEN**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1786

**CFR Citation:** 7 CFR 246

**Legal Deadline:** None

**Abstract:** This rule would modify the WIC Food package currently available to breastfeeding women participating in the WIC Program to meet the nutritional needs of such participants more effectively. This proposed rulemaking is consistent with the Department's position fully supporting breastfeeding as the optimal way to nurture infants.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/02/91	56 FR 61185
ANPRM Comment Period End	01/02/92	56 FR 61185
NPRM	03/19/92	57 FR 9505
NPRM Comment Period End	05/04/92	57 FR 9505
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State



**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB36

**246. ● PROVISIONS OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT AND A PROVISION OF THE FOOD SECURITY ACT OF 1985**

**Legal Authority:** PL 100-77, as amended by PL 101-220; PL 99-198

**CFR Citation:** 7 CFR 273

**Legal Deadline:** None

**Abstract:** This rulemaking places into final form an interim rule published on 9/29/87. The interim rule implemented all the provisions of the Stewart B. McKinney Homeless Assistance Act and one provision of the Food Security Act of 1985. The majority of the provisions are intended to help homeless individuals obtain food stamp eligibility and benefits. The rule: 1) defines a homeless household; 2) allows for Federal funding of State outreach aimed at informing the homeless about the Program; 3) allows an income exclusion for certain housing assistance payments; 4) requires expedited service to households whose monthly rent/mortgage and utilities are more than its income and resources and to households in which all members are homeless; 5) allows certain parents with minor children to be considered a separate household from others they live with; 6) excludes from income public and general assistance vendor payments for medical and child care, energy assistance and special emergency assistance.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/29/87	52 FR 36390
Final Action	12/00/92	
Final Action Effective	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of

Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, 202 305-2279

**RIN:** 0584-AB42

**247. ● WIC FARMERS' MARKET NUTRITION PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1786(m)

**CFR Citation:** 7 CFR 248

**Legal Deadline:** None

**Abstract:** This rulemaking would propose implementing regulations for the establishment of the WIC Farmers' Market Nutrition Program (FMNP) as mandated by Public Law 102-314. The FMNP is designed to provide fresh nutritious unprepared foods (such as fruits and vegetables) to WIC participants. The foods would be provided by farmers' markets and would also serve to expand the awareness and use of farmers' markets and to increase sales at such markets. The proposed rule would establish criteria for allocating grants to State agencies and for their operation of the FMNP.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/92	
Final Action	06/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB43

**248. ● NATIONAL SCHOOL LUNCH PROGRAM, SPECIAL MILK PROGRAM FOR CHILDREN, AND SCHOOL BREAKFAST PROGRAM: COORDINATED REVIEW EFFORT**

**Significance:** Agency Priority

**Legal Authority:** PL 101-147

**CFR Citation:** 7 CFR 210; 7 CFR 215; 7 CFR 220

**Legal Deadline:** None

**Abstract:** This regulation will modify the existing Coordinated Review Effort (CRE) to give State Agencies larger measure of flexibility when they conduct reviews, take fiscal action, and withhold payments under CRE. The final CRE, published on July 17, 1991, was perceived by some to be unnecessarily rigid in its methodology. Its requirements for overclaims based on incorrectly determined applications and/or improper counting of meals were also seen to be potentially harmful to local programs, as was the requirement that, if a school does not take effective corrective action, all program payments must be withheld until the school does take corrective action. This new regulation would limit the scope of review in those situations where preliminary findings indicate no problems. Fiscal action would be limited to the review period in most instances. States would have the authority to withhold only a portion of program payments when it is considered to be in the best interests of the program to do so. Finally, this regulation initiates an appeal procedure for schools.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/26/92	57 FR 38579
Final Action	06/00/93	
Final Action Effective	07/00/93	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Public Compliance Cost:** Initial Cost: \$0; Yearly Recurring Cost: \$0

**Additional Information:** This regulation represents an agreement negotiated with Congressional staff and representatives of State and local officials affected by the July 17, 1992, regulation. It will result in an overall reduction in burden on State and local programs and some monetary savings at both levels.

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

**RIN:** 0584-AB44



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**249. ● ADMINISTRATIVE IMPROVEMENT AND SIMPLIFICATION PROVISIONS FROM THE HUNGER PREVENTION ACT OF 1988**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2011 to 2032; PL 100-435

**CFR Citation:** 7 CFR 271; 7 CFR 272; 7 CFR 273

**Legal Deadline:** Final, Statutory, July 1, 1989.

**Abstract:** The regulation will put in final form the provisions of an interim Food Stamp Program rule published on June 7, 1989. The interim rule amended food stamp regulations to implement several food stamp program provisions contained in the Hunger Prevention Act

of 1988. The provisions of that act addressed in this rule are: (1) Verification; (2) Expanded definition of disabled; (3) Optional Training for volunteer and nonprofit organizations; (4) Program information for low-income households; (5) Expanding Hardship criteria for waiving in-office interviews; (6) Simplified applications; (7) Joint applications; (8) Federally authorized cash-out benefits in other assistance programs; (9) Simplified procedures for claiming the excess medical deductions; (10) Telephone access to certification offices in order to receive program information or to report changes; (11) Annualizing self-employment income and expenses from farming; (12) Resource exclusions for farm households in transition from farming.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/07/89	54 FR 24518
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803 Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, 703 305-2279

RIN: 0584-AB45

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Food and Nutrition Service (FNS)

**250. FOOD STAMP PROGRAM: LIMIT THE NUMBER OF SHIPPING POINTS IN EACH STATE TO ONE, AND REQUIRE STATES TO SUBMIT ONLY ONE COUPON ORDER PER MONTH FOR THE NEEDS OF THE ENTIRE STATE**

**CFR Citation:** 7 CFR 274

**Completed:**

Reason	Date	FR Cite
Withdrawn	10/01/92	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, 703 305-2279

RIN: 0584-AA94

**Completed:**

Reason	Date	FR Cite
Withdrawn	10/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Scott Stangeland, 703 305-2279

RIN: 0584-AA95

**252. EMPLOYMENT AND TRAINING PROVISIONS FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT**

**Completed:**

Reason	Date	FR Cite
Duplicate of RIN 0584-AA87	05/20/92	

RIN: 0584-AB04

**253. FOOD STAMP PROGRAM: GOOD CAUSE RELIEF FROM QUALITY CONTROL ERROR RATE LIABILITIES**

**Significance:** Agency Priority

**CFR Citation:** 7 CFR 272.1(g); 7 CFR 275.23(e)

**Completed:**

Reason	Date	FR Cite
Final Action	09/28/92	57 FR 44481
Final Action Effective	10/28/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Scott Stangeland, 703 305-2279

RIN: 0584-AB05

**254. PARTICIPATION OF THE HOMELESS IN THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)**

**Significance:** Agency Priority

**CFR Citation:** 7 CFR 246

**Completed:**

Reason	Date	FR Cite
Final Action	08/05/92	57 FR 34500

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Scott Stangeland, 703 305-2279

RIN: 0584-AB12

BILLING CODE 3410-30-F

**251. FOOD STAMP PROGRAM: INTRODUCTION OF \$20 COUPONS FOR ISSUING BENEFITS AND ALLOWING THE USE OF MORE THAN ONE COUPON DENOMINATION FOR CHANGEMAKING IN FOOD STAMP TRANSACTIONS**

**Significance:** Agency Priority

**CFR Citation:** 7 CFR 274; 7 CFR 278



**DEPARTMENT OF AGRICULTURE (USDA)**  
**Food Safety and Inspection Service (FSIS)**

Prerule Stage

**255. AMENABILITY OF SPECIFIC  
POULTRY SPECIES UNDER THE  
POULTRY PRODUCTS INSPECTION  
ACT**
**Significance:** Agency Priority**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq**CFR Citation:** 9 CFR 362; 9 CFR 381**Legal Deadline:** None

**Abstract:** This advance notice of proposed rulemaking would solicit comments and recommendations regarding certain criteria FSIS is considering to determine the amenability of various species of poultry to Federal inspection. In addition, the advance notice of proposed rulemaking would solicit comments and recommendations on certain procedures FSIS is considering

for requesting voluntary inspection of nonamenable poultry and certain information needed from procedures before a voluntary inspection program could be initiated. Because of increasing use of formerly wild species as animals raised for food purposes (e.g., wild turkeys), and use of biotechnology techniques to create genetic variations of traditional species, the Agency is increasingly in need of a framework for deciding when a specific food animal is subject to inspection laws. As a result of recent petitions concerning a variety of bird species, FSIS would amend the regulations to provide criteria and procedures for determining in a consistent and equitable manner the amenability of specific birds to the PPIA.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Carol M. Seymour, Director, Policy Evaluation and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Washington, DC 20250, 202 447-3317

**RIN:** 0583-AB29
**DEPARTMENT OF AGRICULTURE (USDA)**  
**Food Safety and Inspection Service (FSIS)**

Proposed Rule Stage

**256. SULFONAMIDE AND ANTIBIOTIC  
RESIDUES IN YOUNG VEAL CALVES;  
REVISED TESTING PROGRAM**
**Significance:** Agency Priority**Legal Authority:** 21 USC 601 et seq**CFR Citation:** 9 CFR 309; 9 CFR 310**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat inspection regulations by revising the current testing program for detecting violative levels of sulfonamide and antibiotic residues in bob veal calves (calves up to 3 weeks in age or 150 pounds in weight). FSIS has determined that residues in bob veal calves have reached stable occurrence. As a result, FSIS is proposing to adjust the current testing program, which involves testing levels based on an establishment's history of calf condemnations, to make it more compatible with programs for other slaughter classes which have comparable violation rates.

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Janice Webb, Acting Director, Residue Evaluation and Planning Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Washington, DC 20250, 202 205-0007

**RIN:** 0583-AA68
**257. USE OF SORBITOL AS A  
FLAVORING AGENT IN SPECIFIC  
MEAT PRODUCTS**
**Legal Authority:** 21 USC 601 et seq**CFR Citation:** 9 CFR 318**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat inspection regulations to permit the use of sorbitol to reduce charring in pizza toppings and other cured meat products subject to severe heat treatment. FSIS has been petitioned by Quality Sausage Company, Inc., Dallas, Texas, to approve the use of sorbitol at a level of 2.0 percent of the product formula.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/92	57 FR 35505
NPRM Comment Period End	10/09/92	

Action	Date	FR Cite
Final Action	04/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Undetermined

**Agency Contact:** Charles Edwards, Director, Food Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

**RIN:** 0583-AA79
**258. SODIUM/POTASSIUM LACTATE  
AS MEANS OF REDUCING CERTAIN  
PATHOGENIC MICROORGANISMS IN  
SPECIFIC MEAT AND POULTRY  
PRODUCTS**
**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq**CFR Citation:** 9 CFR 318; 9 CFR 381**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as means of reducing certain pathogenic microorganisms in cooked meat and poultry products, and would provide for additional protection against the growth and toxin

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/20/87	52 FR 2101
NPRM	12/00/92	
Final Action	00/00/00	

**Small Entities Affected:** None



development of Clostridia botulinum in these products. FSIS has received a petition from Oscar Mayer Foods Corporation, Madison, Wisconsin, to use these substances in various cooked meat and poultry products at levels not to exceed 4.8 percent of the formulation.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles Edwards, Director, Food Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0060

RIN: 0583-AA83

**259. ANTE-MORTEM INSPECTION OF DISABLED ANIMALS ON TRANSPORT VEHICLES**

**Legal Authority:** 21 USC 601 et seq

**CFR Citation:** 9 CFR 309; 9 CFR 320

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat inspection regulations to permit an alternate method of ante-mortem inspection of disabled animals. This method would allow a transport vehicle to be an extension of an official establishment's premises for purposes of ante-mortem inspection of disabled animal(s) that are within the vehicle. FSIS received a request from the Western States Meat Association, Oakland, California, to allow ante-mortem inspection of disabled animals to be performed on a transport vehicle. This proposed rule would (1) specify establishment responsibilities for maintaining control over the transport vehicle, for providing proper ante-mortem inspection facilities, for complying with the veterinary disposition, and for providing assistance to the veterinary Medical Officer when performing the ante-mortem inspection; (2) prescribe the facility requirements needed for safe ante-mortem inspection of disabled animals; and (3) provide the

requirements for the written request for this inspection.

**Timetable:**

Action	Date	FR Cite
NPRM	10/22/90	55 FR 42578
NPRM Comment Period End	12/21/90	
NPRM Notice of Withdrawal	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** William O. James, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Building, Washington, DC 20250, 202 720-3219

RIN: 0583-AA98

**260. FOOD ADDITIVES AND GRAS SUBSTANCES USED AS INGREDIENTS IN MEAT FOOD AND POULTRY PRODUCTS**

**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq

**CFR Citation:** 9 CFR 318; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat and poultry products inspection regulations to simplify the procedures by which FSIS approves food additives and Generally Recognized as Safe (GRAS) substances to be used as ingredients in meat food products and poultry products. The proposed rule will be developed in cooperation with the Food and Drug Administration to make the Federal regulation of food additives and other substances that may be used as ingredients in meat food and poultry products more efficient and uniform.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Carol M. Seymour, Director, Policy Evaluation and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue

SW., Washington, DC 20250, 202 447-3317

RIN: 0583-AB02

**261. POULTRY POST-MORTEM INSPECTION SYSTEM**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 451 et seq

**CFR Citation:** 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the poultry products inspection regulations as a consequence of the Agency's ongoing review of its poultry post-mortem inspection regulations to simplify the regulations for all classes of poultry.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. William O. James, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Building, Washington, DC 20250, 202 720-3219

RIN: 0583-AB03

**262. EXPORT CERTIFICATION PROCEDURES**

**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq

**CFR Citation:** 9 CFR 322; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat and poultry products inspection regulations to provide export certification of all meat and poultry products exported to foreign countries. Domestic inspectors certify that the product is USDA inspected and passed, and that all foreign requirements have been met. In 1988, the Agency conducted a pilot test to determine the feasibility of streamlining export certification procedures by centralizing controls; utilizing contemporary communications technology; establishing plant review criteria; and modifying stamping requirements. The export certification project, of which the pilot was a part,



## USDA—FSIS

## Proposed Rule Stage

continues in 1992. FSIS will review the current regulations and determine what, if any, changes should be considered from the outcome of this project.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Robert Fetzner, Director, Export Coordination Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-9051

**RIN:** 0583-AB04

### 263. USE OF TRICALCIUM PHOSPHATE AS A SEQUESTRANT IN MECHANICALLY DEBONED CHICKEN

**Legal Authority:** 21 USC 451 et seq

**CFR Citation:** 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the poultry products inspection regulations to permit the use of tricalcium phosphate in mechanically deboned chicken during the dehydration process to preserve the color of such products. Use of tricalcium phosphate at a proposed level not to exceed 2 percent would sequester the iron present in the blood of mechanically deboned chicken during the dehydration process, thus preventing discoloration (browning) of the product. The proposed regulation is in response to a petition submitted by Henningsen Foods, Inc., Omaha, NE.

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/92	57 FR 38450
NPRM Comment	10/26/92	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles Edwards, Director, Food Ingredient Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-

Cotton Annex Building, Washington, DC 20250, 202 205-0080

**RIN:** 0583-AB09

### 264. USE OF COMPRESSED AIR IN BONING OPERATIONS

**Legal Authority:** 21 USC 601 et seq

**CFR Citation:** 9 CFR 310; 9 CFR 318

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat inspection regulations to permit the use of compressed air or other gases such as nitrogen and carbon dioxide in boning operations as requested by several establishments. Tests indicate that this would facilitate the separation of muscle tissue from the fat tissue and bone of carcasses and parts without affecting the wholesomeness of the product.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** William C. Smith, Director, Processed Products and Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Building, Washington, DC 20250, 202 720-3640

**RIN:** 0583-AB13

### 265. PROCESSING, DISTRIBUTION, STORAGE, AND RETAIL HANDLING OF READY-TO-EAT, UNCURED, PERISHABLE MEAT AND POULTRY PRODUCTS PACKAGED IN SEALED CONTAINERS

**Significance:** Agency Priority

**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq

**CFR Citation:** 9 CFR 308; 9 CFR 318; 9 CFR 320; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat and poultry products inspection regulations to provide for application of HACCP principles in the production of ready-to-eat, uncured, perishable meat and poultry products that are packed in sealed containers bearing a "Perishable,

Keep Refrigerated," or similar label statement. Examples of such products include, but are not limited to, soups, sauces, pastas, salads, and entrees.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/14/90	55 FR 19888
ANPRM	06/20/90	55 FR 25138
Correction		
ANPRM	07/13/90	
Comment		
Period End		
ANPRM	07/13/90	55 FR 28770
Extension of Request for Comments		
ANPRM	10/11/90	
Comment		
Period End		
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** William C. Smith, Director, Processed Products and Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 2158-South Building, Washington, DC 20250, 202 720-3640

**RIN:** 0583-AB14

### 266. USE OF ASCORBIC ACID, ERYTHORBIC ACID, CITRIC ACID, SODIUM CITRATE, AND SODIUM ASCORBATE IN FRESH BEEF AND LAMB

**Legal Authority:** 21 USC 601 et seq

**CFR Citation:** 9 CFR 318

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat inspection regulations to permit the use of ascorbic acid, erythorbic acid, citric acid, sodium citrate, and sodium ascorbate, to maintain the color in fresh beef and lamb. FSIS received a petition from Wilson Foods Corporation, Oklahoma City, OK, to allow the use of these substances on beef and lamb cuts.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	01/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined



USDA—FSIS

Proposed Rule Stage

**Agency Contact:** Charles Edwards, Director, Food Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

**RIN:** 0583-AB15

**267. USE OF CITRIC ACID AS A COLOR PRESERVATIVE ON THE SURFACE OF CURED MEAT CUTS**

**Legal Authority:** 21 USC 601 et seq

**CFR Citation:** 9 CFR 318

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat inspection regulations to permit the use of up to a 30 percent solution of citric acid as a color preservative on the surface of cured meat cuts.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles Edwards, Director, Food Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

**RIN:** 0583-AB20

**268. NOTIFICATION OF RESIDUE VIOLATORS AND TESTING OF SUBSEQUENT SHIPMENTS OF ANIMALS**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq

**CFR Citation:** 9 CFR 310; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat and poultry products inspection regulations to provide the authority needed to permit FSIS to notify those entities determined to have marketed livestock or poultry with violative levels of residues and to test subsequent shipments of livestock or poultry marketed by the violators.

These actions would not establish new policy in these areas but would, instead, permit the Agency to enforce current policy.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. William Leese, Director, Residue Operations Staff, Inspection Management Program, Department of Agriculture, Food Safety and Inspection Service, Inspection Operations, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-3311

**RIN:** 0583-AB32

**269. SMOKE FLAVORINGS AND ARTIFICIAL SMOKE FLAVORINGS**

**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq

**CFR Citation:** 9 CFR 317; 9 CFR 318; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat and poultry products inspection regulations by deleting the requirement of prior Agency approval of the use of smoke flavorings and artificial smoke flavorings. Prior FSIS approval is no longer necessary because smoke flavorings and artificial smoke flavorings are now considered generally recognized as safe (GRAS) by the Food and Drug Administration.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles Edwards, Director, Food Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-

Cotton Annex Building, Washington, DC 20250, 202 205-0080

**RIN:** 0583-AB36

**270. REQUIREMENTS FOR IMPORTED POULTRY PRODUCTS**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 451 et seq

**CFR Citation:** 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the poultry products inspection regulations by defining the phrase "the same as" and by replacing the phrase "at least equal to" with the phrase "the same as" wherever it appears. The proposal is a result of pending litigation and Congressional clarification as to the meaning of "the same as" as it applies to certified foreign establishments producing poultry products for export to the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. William Dubbert, Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-3473

**RIN:** 0583-AB42

**271. ● USER FEES FOR LABORATORY ACCREDITATION**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq; PL 101-624

**CFR Citation:** 9 CFR 318; 9 CFR 381; 9 CFR 391

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat and poultry products inspection regulations to provide for user fees for FSIS laboratory accreditation. The Agency's accredited laboratory program was established in response to the demand by the meat and poultry industry for acceptable alternate facilities (other than FSIS-operated laboratories) for chemical analysis of official samples.



## USDA—FSIS

## Proposed Rule Stage

Under the technical amendments to the 1990 Farm Bill, USDA is required to charge user fees for the accreditation of laboratories in the Department's National Laboratory Accreditation Program for pesticide residue analysis in the FSIS program.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	01/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Richard L. Ellis, Director, Chemistry Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 302, Cotton Annex Building, Washington, DC 20250, 202 205-0623

**RIN:** 0583-AB49

**272. ● PRIOR LABEL APPROVAL PROCESS**

**Significance:** Regulatory Program

**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq

**CFR Citation:** 9 CFR 317; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat and poultry products inspection regulations to streamline the labeling process by eliminating the need for manufacturers to submit final label applications, provided sketch applications of such labels have been approved by the Agency. This would result in significant savings for manufacturers, as well as FSIS, while continuing to provide consumers with useful and truthful information on product labels. FSIS is reassessing its current labeling policies and the prior label approval process, and plans to initiate rulemaking on label reform as may be appropriate.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/25/92	57 FR 10300
ANPRM Comment	04/24/92	
Period End		
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Ashland L. Clemons, Director, Food Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311, Cotton Annex Building, Washington, DC 20250, 202 205-0042

**RIN:** 0583-AB50

**273. ● SUBSTITUTE PRODUCTS IDENTIFIED BY STANDARDIZED TERMS AND NUTRIENT CONTENT CLAIMS**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq

**CFR Citation:** 9 CFR 319; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat and poultry products inspection regulations to establish standards of composition for meat and poultry products such as "low fat" and "low cholesterol," in conjunction with a standardized name. This action stems from the current nutrition labeling rulemaking proceeding which would allow modified versions of certain standardized products.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305, Cotton Annex Building, Washington, DC 20250, 202 205-0080

**RIN:** 0583-AB51

**274. ● PROMINENT LABELING DISCLOSURES ON MEAT AND POULTRY PRODUCTS**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq

**CFR Citation:** 9 CFR 317; 9 CFR 318; 9 CFR 319; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat and poultry products inspection regulations to eliminate the requirement that the name and use of certain substances added to specific meat and poultry products be prominently disclosed on the product label as qualifiers to the product name. FSIS believes that qualifying phrases can be eliminated because they duplicate information provided in ingredients statements.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	12/00/92	
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Ashland L. Clemons, Director, Food Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311, Cotton Annex Building, Washington, DC 20250, 202 205-0042

**RIN:** 0583-AB53

**275. ● LICENSE OR OTHER AUTHORIZATION FOR FEDERAL POULTRY INSPECTION**

**Legal Authority:** 21 USC 451

**CFR Citation:** 9 CFR 381

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the poultry products inspection regulations to remove the requirement for the licensing or other authorization of State employees to perform inspection in official poultry establishments. Assurance that only qualified employees are assigned to such establishments will now be covered under terms to be prescribed in Talmadge-Aiken or other cooperative agreements. This action is possible because of expanded training and certification requirements for veterinarians and food inspectors employed by the States under agreements to be concluded between the States and FSIS.



USDA—FSIS

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Lester Nordyke, Director, Federal-State Relations, Inspection Operations, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-6313

**RIN:** 0583-AB54

**276. ● USE OF CARBON DIOXIDE IN THE HUMANE SLAUGHTER OF SWINE**

**Legal Authority:** 21 USC 601 et seq

**CFR Citation:** 9 CFR 308

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat inspection regulations to permit the use of carbon dioxide to induce death in swine. Current regulations governing the humane slaughter of swine permit carbon dioxide to be used to render the animals unconscious, with death

resulting from the bleeding operation. The proposed amendment is based on scientific research that shows the use of carbon dioxide to induce death in swine to be an effective and humane slaughtering method.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. William O. James, Director, Slaughter Inspection Standards and Procedures Division, S&T, Department of Agriculture, Food Safety and Inspection Service, 14th and Independence Avenue SW., Washington, DC 20250, 202 720-3219

**RIN:** 0583-AB57

**277. ● UNITED STATES-CANADA MEAT AND POULTRY REINSPECTION**

**Significance:** Regulatory Program

**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq

**CFR Citation:** 9 CFR 327; 9 CFR 381

**Legal Deadline:** None

**Abstract:** FSIS plans to initiate discussions with its counterparts in Agriculture Canada which will focus on reducing or eliminating existing barriers that may now impede the import/export of meat and poultry products. FSIS has developed several discussion points concerning the trade of meat and poultry products. If agreement is reached in any or all of the discussion points, amendments to the regulations may be needed. Once the discussions are concluded, FSIS will examine the need for regulatory changes to accommodate any such agreements.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-2952

**RIN:** 0583-AB61

**DEPARTMENT OF AGRICULTURE (USDA)**

Final Rule Stage

**Food Safety and Inspection Service (FSIS)**

**278. REQUIREMENTS FOR FOREIGN COUNTRY IMPORT CERTIFICATION AND LIVE ANIMAL IMPORTATION**

**Significance:** Agency Priority

**Legal Authority:** PL 99-198

**CFR Citation:** 9 CFR 327; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This rule will respond to amendments to the Federal Meat Inspection Act by the Food Security Act of 1985. The amendments require that FSIS periodically certify residue control programs submitted by foreign countries desiring to export meat and poultry products to the United States and provide the Secretary with the authority to issue an order prohibiting the importation of livestock for immediate slaughter that have been administered a drug or antibiotic banned for use in the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/88	53 FR 27998
NPRM Comment Period End	09/26/88	
Reproposal	03/09/90	55 FR 8956
Reproposal Comment Period End	04/09/90	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Lawrence Skinner, Director, Foreign Programs Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room 0038, South Building, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-6933

**RIN:** 0583-AA47

**279. USE OF SODIUM LACTATE AND POTASSIUM LACTATE AS FLAVOR ENHANCERS IN MEAT AND POULTRY PRODUCTS**

**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq

**CFR Citation:** 9 CFR 318; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This rule will amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as flavoring agents and flavor enhancers in various meat and poultry products. FSIS has been petitioned by Oscar Mayer Foods Corporation, Madison, Wisconsin, and Shenandoah Products, Inc., Bridgewater, Virginia, to allow the use of these substances at a 2.0 percent level for use in preparation of meat and poultry products.



## USDA—FSIS

## Final Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	03/01/90	55 FR 7339
NPRM Comment Period End	04/02/90	
NPRM Extension of Comment Period	04/02/90	55 FR 12203
NPRM Comment Period End	05/02/90	
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Charles Edwards,  
Director, Food Product Assessment  
Division, Regulatory Programs,  
Department of Agriculture, Food Safety  
and Inspection Service, Room 305-  
Cotton Annex Building, Washington,  
DC 20250, 202 205-0080

**RIN:** 0583-AA75

### 280. INCREASE IN USE LEVELS OF SODIUM CITRATE AS AN ANTICOAGULANT

**Legal Authority:** 21 USC 601 et seq

**CFR Citation:** 9 CFR 318

**Legal Deadline:** None

**Abstract:** This rule will amend the Federal meat inspection regulations to increase the level of sodium citrate allowed to be used as an anticoagulant in blood from 0.2 percent to 0.5 percent. FSIS has been petitioned by American Meat Protein Corporation, Ames, Iowa, to approve an increased use level of this substance as an anticoagulant in blood to 0.5 percent to facilitate the cleaning of equipment and the separation of red blood cells from plasma, as well as to improve sanitation.

## Timetable:

Action	Date	FR Cite
NPRM	10/18/91	56 FR 52218
NPRM Comment Period End	12/17/91	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Charles Edwards,  
Director, Food Product Assessment

Division, Regulatory Programs,  
Department of Agriculture, Food Safety  
and Inspection Service, Room 305-  
Cotton Annex Building, Washington,  
DC 20250, 202 205-0080

**RIN:** 0583-AA76

### 281. PROCESSING PROCEDURES AND COOKING INSTRUCTIONS FOR COOKED, UNCURED MEAT PATTIES

**Legal Authority:** 21 USC 451 et seq; 21  
USC 601 et seq

**CFR Citation:** 9 CFR 318; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This rule will provide processors of fully and partially cooked, and char-marked, uncured meat patties with specific manufacturing, handling, and labeling requirements for these products to reduce the potential for incidents of food-borne, pathogen-caused illness from consumption of inadequately cooked, uncured meat patties. This rule will also establish (1) holding temperature and time requirements for raw meat used for cooked, uncured meat patties; (2) internal temperature and time combination processing requirements for fully and partially-cooked, uncured meat patties which are char-marked with heat but remain raw; (3) a requirement that a cooking instruction be placed on the label of partially-cooked and char-marked, uncured patties, instructing the final preparer to cook the patties to a well done state (a minimum internal meat temperature of 160 degrees Fahrenheit); and (4) requirements to assure that fully-cooked, uncured meat patties are not contaminated after cooking. This action will prevent instances of illness from the consumption of such patties.

## Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52179
NPRM Comment Period End	01/26/89	
Reproposal	06/05/90	55 FR 23030
Reproposal Comment Period End	07/05/90	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:**  
Undetermined

**Agency Contact:** William C. Smith,  
Director, Processed Products Inspection

Division, Science and Technology,  
Department of Agriculture, Food Safety  
and Inspection Service, Room 2158-  
South Building, Washington, DC 20250,  
202 720-3840

**RIN:** 0583-AA81

### 282. PFF FOR TURKEY HAM

**Legal Authority:** 21 USC 451 et seq

**CFR Citation:** 9 CFR 381

**Legal Deadline:** None

**Abstract:** This rule will amend the poultry products inspection regulations to permit the use of added water in turkey ham. The new standard provides for several categories of products that are delineated according to the protein content on a fat-free basis. FSIS was petitioned by the National Turkey Federation, Reston, Virginia, to establish protein fat-free values for turkey ham to promote product standardization and permit producers of turkey ham to compete more equitably with pork producers. This rule will replace the current provision which limits the amount of added water and other substances contained in turkey ham products by requiring the weight of the finished product to be no more than the original weight of the turkey thigh meat used prior to curing.

## Timetable:

Action	Date	FR Cite
NPRM	02/21/89	54 FR 7434
NPRM Comment Period End	04/18/89	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:**  
Undetermined

**Agency Contact:** William C. Smith,  
Director, Processed Products Inspection  
Division, Science and Technology,  
Department of Agriculture, Food Safety  
and Inspection Service, Room 2158,  
South Building, 14th and Independence  
Avenue SW., Washington, DC 20250,  
202 720-3840

**RIN:** 0583-AA84



**283. IMPORTED CANADIAN PRODUCT; PROVISION FOR "STREAMLINED" INSPECTION PROCEDURES; EXEMPTION FROM OFFICIAL MARK OF INSPECTION**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq

**CFR Citation:** 9 CFR 327; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This rule amended the Federal meat and poultry products inspection regulations to provide "streamlined" inspection procedures for the reinspection of Canadian meat and poultry products and to exempt Canadian meat and poultry products offered for importation from the requirement that such product and/or containers of product be marked with the official mark of inspection once they are passed for entry into the United States. These actions stemmed from the Canada-United States Free Trade Agreement Implementation Act of 1988, Pub. L. 100-449. These actions specifically responded to one goal of the Agreement whereby both countries are charged with liberalizing agriculture trade practices by seeking ways to eliminate technical or procedural requirements which now may serve to impede trade in agricultural products.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/05/89	54 FR 273
Interim Final Rule Reopening of Comment Period	03/16/89	54 FR 10621
Interim Final Rule Comment Period End	04/12/89	
Interim Final Rule Correction	06/22/89	54 FR 26186
Interim Final Rule Withdrawal	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue

SW., Washington, DC 20250, 202 720-2952

**RIN:** 0583-AA99

**284. POLICY FOR DIFFERENTIATING BETWEEN CALVES AND ADULT CATTLE**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 601 et seq

**CFR Citation:** 9 CFR 309; 9 CFR 310

**Legal Deadline:** None

**Abstract:** This rule will amend the Federal meat inspection regulations to define the term "calf" for inspection purposes, as a young bovine animal whose weight does not exceed 750 pounds live, or whose dressed carcass weight does not exceed 450 pounds. In addition, the rule will provide that certain indicators of maturity, such as teeth and bone formation, be used in conjunction with weight to determine if the animal is a "calf."

**Timetable:**

Action	Date	FR Cite
NPRM	06/06/90	55 FR 23100
NPRM Comment Period End	08/06/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** W. S. Horne, Deputy Administrator, Inspection Operations, Department of Agriculture, Food Safety and Inspection Service, Room 344-E, Administration Building, 14th and Independence Avenue SW., Washington, D. C. 20250, 202 720-5190

**RIN:** 0583-AB18

**285. USE OF TOCOPHEROLS AS ANTIOXIDANTS AND CITRIC ACID AS A SYNERGIST IN VARIOUS MEAT PRODUCTS**

**Legal Authority:** 21 USC 601 et seq

**CFR Citation:** 9 CFR 318

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Federal meat inspection regulations to permit the use of tocopherols as antioxidants and the use of citric acid as a synergist in various meat food products. This action is in

response to a petition filed jointly by the Akzo Salt, Inc., St. Clair, Michigan, (formerly Diamond Salt Company) and the Henkel Corporation, Minneapolis, Minnesota, requesting that FSIS approve such uses.

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/92	57 FR 38448
NPRM Comment Period End	09/24/92	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles Edwards, Director, Food Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

**RIN:** 0583-AB25

**286. NUTRITION LABELING OF MEAT AND POULTRY PRODUCTS**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 601 et seq; 21 USC 451 et seq

**CFR Citation:** 9 CFR 317; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This rule will amend the Federal meat and poultry products inspection regulations by establishing mandatory nutrition labeling for most processed meat and poultry products, and by providing for voluntary nutrition labeling on major retail cuts of meat and poultry products.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/02/91	56 FR 13564
ANPRM Comment Period End	06/03/91	
NPRM	11/27/91	56 FR 60302
Notice of Public Hearing	01/23/92	57 FR 2692
Supplement to the Regulatory Impact Analysis	02/18/92	57 FR 5956
NPRM Comment Period End	02/25/92	
Notice of Delay of Effective Date	03/25/92	57 FR 10298
Notice on Public Forums	04/21/92	57 FR 14499



USDA—FSIS

Final Rule Stage

Action	Date	FR Cite
NPRM on Format Use	08/28/92	57 FR 39332
NPRM on Format Use Comment	09/28/92	57 FR 39332
Period End		
Final Action	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles Edwards, Director, Food Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 305-Cotton Annex Building, Washington, DC 20250, 202 205-0080

**RIN:** 0583-AB34

**287. LISTING OF MINOR INGREDIENTS IN OTHER THAN ORDER OF PREDOMINANCE**

**Legal Authority:** 21 USC 451 et seq; 21 USC 601 et seq

**CFR Citation:** 9 CFR 317; 9 CFR 381

**Legal Deadline:** None

**Abstract:** This rule will amend the Federal meat and poultry products inspection regulations by modifying the current ingredient declaration requirements for labels of meat and poultry products. The modification will allow processors the option of listing minor ingredients in other than order of predominance if the ingredients are present at 2 percent or less of the total product. This action is in response to a petition submitted by the National Food

Processors Association, Washington, D.C.

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/92	57 FR 31972
NPRM Comment	09/18/92	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Ashland L. Clemons, Director, Food Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex Building, Washington, DC 20250, 202 205-0042

**RIN:** 0583-AB37

DEPARTMENT OF AGRICULTURE (USDA)  
Food Safety and Inspection Service (FSIS)

Completed Actions

**288. SULFONAMIDE RESIDUES IN SWINE**

**Significance:** Regulatory Program

**CFR Citation:** 9 CFR 309; 9 CFR 310

**Completed:**

Reason	Date	FR Cite
No further action at this time.	07/16/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Richard A. Carnevale, 202 205-0675

**RIN:** 0583-AA31

**Agency Contact:** Dr. William O. James, 202 720-3219

**RIN:** 0583-AA32

**Government Levels Affected:** Undetermined

**Agency Contact:** Ashland L. Clemons, 202 205-0042

**RIN:** 0583-AA71

**289. ALTERNATIVE METHODS OF CATTLE SLAUGHTER/SLAUGHTER QUALITY CONTROL**

**Significance:** Agency Priority

**CFR Citation:** 9 CFR 307; 9 CFR 310

**Completed:**

Reason	Date	FR Cite
No further action at this time.	07/31/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**290. USE AND PROTECTION OF APPROVED WATER SYSTEMS**

**CFR Citation:** 9 CFR 308; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
No further action at this time.	07/16/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Karen Wesson, 202 720-5827

**RIN:** 0583-AA54

**292. REQUIREMENTS FOR THE PRODUCTION OF FERMENTED SAUSAGE**

**CFR Citation:** 9 CFR 318; 9 CFR 320

**Completed:**

Reason	Date	FR Cite
No further action at this time.	07/17/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** William C. Smith, 202 720-3840

**RIN:** 0583-AA77

**291. LABELING OF MEAT FOOD PRODUCTS THAT CONTAIN MECHANICALLY SEPARATED (SPECIES) UNDER CERTAIN CIRCUMSTANCES**

**Significance:** Agency Priority

**CFR Citation:** 9 CFR 317

**Completed:**

Reason	Date	FR Cite
No further action at this time.	07/16/92	

**Small Entities Affected:** None

**293. USE OF VARIOUS BINDERS IN CURED PORK PRODUCTS**

**CFR Citation:** 9 CFR 318; 9 CFR 319

**Completed:**

Reason	Date	FR Cite
Final Action	09/27/92	57 FR 42885
Final Action Effective	10/19/92	

**Small Entities Affected:** None



USDA—FSIS

Completed Actions

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Charles Edwards, 202 205-0080

**RIN:** 0583-AA78

**294. CROSS-CONTAMINATION PREVENTION FOR ALL HEAT PROCESSED MEAT AND POULTRY PRODUCTS**

**CFR Citation:** 9 CFR 308; 9 CFR 318; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
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No further action	07/17/92	
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at this time.

**Small Entities Affected:** None

**Government Levels Affected:**  
Undetermined

**Agency Contact:** William C. Smith, 202 720-3840

**RIN:** 0583-AA88

**295. SUBSTANCES APPROVED FOR USE IN MEAT PRODUCTS—REVISION OF LISTINGS**

**CFR Citation:** 9 CFR 318

**Completed:**

Reason	Date	FR Cite
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No further action	07/17/92	
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at this time.

**Small Entities Affected:** None

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Charles Edwards, 202 205-0080

**RIN:** 0583-AA93

**296. FINISHED PRODUCT INSPECTION**

**Significance:** Agency Priority

**CFR Citation:** 9 CFR 318; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
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Final Action	08/21/92	57 FR 37869
Final Action	09/21/92	

Effective

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** William C. Smith, 202 720-3840

**RIN:** 0583-AA95

**297. REVIEW OF RETAIL STORE INSPECTION EXEMPTIONS**

**Significance:** Agency Priority

**CFR Citation:** 9 CFR 303; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
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No further action	07/16/92	
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at this time.

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Robert Gonter, 202 720-3521

**RIN:** 0583-AA96

**298. PROCESSING REQUIREMENTS FOR DRIED READY-TO-EAT MEAT AND POULTRY PRODUCTS**

**CFR Citation:** 9 CFR 318; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
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No further action	07/17/92	
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at this time.

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** William C. Smith, 202 720-3840

**RIN:** 0583-AA97

**299. JAR CLOSURE REQUIREMENTS**

**CFR Citation:** 9 CFR 317; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
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Final Action	06/10/92	57 FR 24542
Final Action	07/10/92	

Effective

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** William C. Smith, 202 720-3840

**RIN:** 0583-AB00

**300. REQUIREMENTS FOR A PEST CONTROL PROGRAM; APPROVAL OF NONFOOD COMPOUNDS**

**CFR Citation:** 9 CFR 308; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
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No further action	07/16/92	
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at this time.

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Karen Wesson, 202 720-5627

**RIN:** 0583-AB08

**301. UNDENUDED BEEF STOMACHS; FINISHED PRODUCT STANDARDS AND MANUFACTURING AND INSPECTION PROCEDURES**

**CFR Citation:** 9 CFR 318

**Completed:**

Reason	Date	FR Cite
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No further action	07/17/92	
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at this time.

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Dr. William O. James, 202 720-3219

**RIN:** 0583-AB11

**302. ADDITIONAL METHODS FOR DESTROYING TRICHINAE IN DRY-CURED HAM AND DRY-SAUSAGE**

**CFR Citation:** 9 CFR 318

**Completed:**

Reason	Date	FR Cite
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Final Action	06/22/92	57 FR 27870
Final Action	07/22/92	

Effective

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** William C. Smith, 202 720-3840

**RIN:** 0583-AB17

**303. HEAT PROCESSING PROCEDURES; COOKING INSTRUCTIONS AND COOLING, HANDLING AND STORAGE REQUIREMENTS FOR UNCURED COMMINUTED MEAT AND POULTRY PRODUCTS**

**Significance:** Agency Priority

**CFR Citation:** 9 CFR 320; 9 CFR 381



## USDA—FSIS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
No further action at this time.	07/17/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** William C. Smith, 202 720-3840

**RIN:** 0583-AB19

**304. IRRADIATION OF POULTRY**

**Significance:** Regulatory Program

**CFR Citation:** 9 CFR 381

**Completed:**

Reason	Date	FR Cite
Final Action	09/21/92	57 FR 43588
Final Action Effective	10/21/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Donald D. Derr, 202 205-0675

**RIN:** 0583-AB27

**305. POULTRY PRODUCTS CONTAINING PORK; TRICHINA TREATMENT**

**CFR Citation:** 9 CFR 381

**Completed:**

Reason	Date	FR Cite
Final Action	06/24/92	57 FR 28083
Final Action Effective	07/24/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** William C. Smith, 202 720-3840

**RIN:** 0583-AB28

**306. REMOVAL OF PIECE SIZE REQUIREMENTS AND PACKAGING LIMITATIONS OF IMPORTED FRESH OR CURED MEAT AND MEAT PRODUCTS**

**Significance:** Agency Priority

**CFR Citation:** 9 CFR 327

**Completed:**

Reason	Date	FR Cite
Final Action	06/23/92	57 FR 27902
Final Action Effective	07/23/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** G. Edward McEvoy, 202 720-8435

**RIN:** 0583-AB31

**307. REQUIREMENTS FOR EFFECTIVE ESTABLISHMENT SANITATION**

**CFR Citation:** 9 CFR 308; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
No further action at this time.	07/17/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Karen Wesson, 202 720-5627

**RIN:** 0583-AB33

**308. ADMINISTRATIVE PRACTICES AND PROCEDURES**

**CFR Citation:** 9 CFR 303; 9 CFR 335; 9 CFR 381; 9 CFR 390; 9 CFR 392

**Completed:**

Reason	Date	FR Cite
No further action at this time.	07/16/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Ralph E. Stafko, 202 720-8168

**RIN:** 0583-AB35

**309. CONTROL OF DIRECT ENTRY FROM OUTSIDE TO PRODUCT PREPARATION AREA**

**CFR Citation:** 9 CFR 308; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
No further action at this time.	05/09/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Karen Wesson, 202 720-5627

**RIN:** 0583-AB38

**310. IMPORTED PRODUCT: FACILITY REQUIREMENTS**

**CFR Citation:** 9 CFR 327

**Completed:**

Reason	Date	FR Cite
No further action at this time.	08/12/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Mark Manis, 202 720-2952

**RIN:** 0583-AB39

**311. CONDITIONS FOR USE OF TRUCK TRAILERS, RAILROAD BOXCARS, AND SHIPBOARD CONTAINERS AS REFRIGERATION AND/OR DRY STORAGE FACILITIES**

**CFR Citation:** 9 CFR 308; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
No further action at this time.	05/09/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Karen Wesson, 202 720-5627

**RIN:** 0583-AB40

**312. LIMITATION ON THE USE OF STRIP DOORS IN PRODUCT PREPARATION AREAS**

**CFR Citation:** 9 CFR 308; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
No further action at this time.	07/17/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Karen Wesson, 202 720-5627

**RIN:** 0583-AB41



USDA—FSIS

Completed Actions

**313. SEPARATION OF FEDERALLY INSPECTED ESTABLISHMENTS FROM OTHER ADJACENT FACILITIES NOT UNDER FEDERAL OR STATE INSPECTION**

CFR Citation: 9 CFR 308; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
No further action at this time.	05/09/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, 202 720-5627

RIN: 0583-AB43

**314. APPROVAL OF REUSE OF WATER IN FEDERALLY INSPECTED ESTABLISHMENTS**

CFR Citation: 9 CFR 308; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
No further action at this time.	07/16/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Wesson, 202 720-5627

RIN: 0583-AB44

**315. PROHIBITING VINYL FLOORING AND COVING IN CERTAIN AREAS OF FEDERALLY INSPECTED ESTABLISHMENTS**

CFR Citation: 9 CFR 308; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
No further action at this time.	05/09/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, 202 720-5627

RIN: 0583-AB45

**316. RESTRICTIONS ON THE STORAGE AND HANDLING OF IMMEDIATE-CONTAINER PACKAGING MATERIALS USED FOR MEAT AND POULTRY PRODUCTS**

CFR Citation: 9 CFR 308; 9 CFR 381

**Completed:**

Reason	Date	FR Cite
No further action at this time.	05/09/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Wesson, 202 720-5627

RIN: 0583-AB46

**317. USE OF NEW TECHNOLOGIES IN RED MEAT SLAUGHTER ESTABLISHMENTS**

CFR Citation: 9 CFR 307; 9 CFR 310

**Completed:**

Reason	Date	FR Cite
Merged with RIN 0583-AA32	07/17/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William O. James, 202 720-3219

RIN: 0583-AB48

**318. EXEMPTION OF PIZZAS CONTAINING MEAT OR POULTRY PRODUCT**

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 303; 9 CFR 381

Legal Deadline: Final, Statutory, August 1, 1992.

**Abstract:** This rule will amend the Federal meat and poultry products inspection regulations to exempt from Federal inspection pizzas containing a meat or poultry product provided the meat or poultry components have been prepared, inspected, and passed in a cured or cooked form as ready-to-eat and the pizzas are to be served in public or private nonprofit organizations. This action is in response to amendments to the 1990 Farm Bill.

**Timetable:**

Action	Date	FR Cite
NPRM	05/22/92	57 FR 21858
NPRM Comment Period End	06/22/92	
Final Action	08/03/92	57 FR 34174
Final Action Effective	08/03/92	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patrick Clerkin, Acting Assistant Deputy Administrator, Compliance, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, 14th and Independence Avenue SW., Washington, DC 20250, 202 720-5604

RIN: 0583-AB52

**319. RESTORATION OF NICARAGUA TO THE LIST OF COUNTRIES ELIGIBLE TO IMPORT MEAT PRODUCTS INTO THE UNITED STATES**

Legal Authority: 21 USC 601 et seq

CFR Citation: 09 CFR 327

Legal Deadline: None

**Abstract:** This rule amends the Federal meat inspection regulations by listing Nicaragua as a country eligible to export its meat products from cattle, sheep, swine, and goats to the United States. On September 17, 1986, FSIS published a final rule withdrawing the country of Nicaragua from the list of countries eligible to export meat to the United States because it did not meet the requirements for exporting meat products into the United States. In April 1990, Nicaragua requested relistment as a country eligible to export meat to the United States by providing FSIS with current information on how its meat inspection system meets the provisions of the Federal Meat Inspection Act and regulations issued thereunder. Nicaragua has now demonstrated, through FSIS's eligibility process, that its meat inspection system imposes requirements at least equal to those of the United States. This action is to restore Nicaragua to the list of countries eligible to import meat products into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	04/15/92	57 FR 13053
NPRM Comment Period End	05/15/92	
Final Action	07/10/92	57 FR 30835
Final Action Effective	08/10/92	

Small Entities Affected: None

Government Levels Affected: Undetermined



USDA—FSIS

Completed Actions

**Agency Contact:** Dr. Lawrence Skinner, Director, Foreign Programs Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-6933

**RIN:** 0583-AB59

**320. ● IMPORTED PRODUCT: ADDITION OF CROATIA AND SLOVENIA TO THE LIST OF ELIGIBLE COUNTRIES**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 601 et seq

**CFR Citation:** 9 CFR 327

**Legal Deadline:** None

**Abstract:** This rule confirms the interim rule which amended the Federal meat

inspection regulations to reflect the newly recognized States of Croatia and Slovenia as continuing to be eligible to import meat products into the United States. FSIS had determined that these newly recognized States continue to be eligible to import meat products into the United States in accordance with the requirements of Part 327 of the Federal meat inspection regulations. This action clarifies that the newly recognized States of Croatia and Slovenia continue to be eligible to import meat products into the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/29/92	57 FR 18079
Interim Final Rule Effective	04/29/92	

Action	Date	FR Cite
Final Action Effective	04/29/92	
Interim Final Rule Comment Period End	05/29/92	
Final Action	08/17/92	57 FR 36889

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. William Dubbert, Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room 341, Administration Building, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-3473

**RIN:** 0583-AB60

**BILLING CODE** 3410-DM-F

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Foreign Agricultural Service (FAS)

**321. PROGRAM CRITERIA FOR THE SUNFLOWERSEED OIL ASSISTANCE PROGRAM (SOAP) AND THE COTTONSEED OIL ASSISTANCE PROGRAM (COAP)**

**Significance:** Agency Priority

**Legal Authority:** PL 101-624, sec 1531; 7 USC 5663

**CFR Citation:** 7 CFR 1570

**Legal Deadline:** NPRM, Statutory, May 31, 1991.

**Abstract:** This regulation establishes the criteria to evaluate and approve proposals for country and commodity initiatives under the SOAP and COAP. The establishment of criteria for these programs is mandated under Section 403(a) of the Agricultural Trade Act of 1978, as amended in Section 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/27/91	56 FR 42222

Action	Date	FR Cite
End Review	10/00/92	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Barry D. Abromovage, Regulatory Coordinator, Compliance Review Staff, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, 202 720-6713

**RIN:** 0551-AA31

**322. REPORTING REQUIREMENTS RELATED TO TOBACCO EXPORTS**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 509; PL 101-624, sec 1557

**CFR Citation:** 7 CFR 1525

**Legal Deadline:** None

**Abstract:** Exporters/manufacturers of unmanufactured tobacco, cigarettes and cigarette-ready tobacco are required to maintain records and submit reports

pertaining to such records on tobacco content related to crop year, grade, type, country of origin, and poundage to the Secretary of Agriculture. Submitted information will be provided to Congress. Annual cost to the Government is established at \$100,000.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/92	
Final Action	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Impact Analysis; Regulatory Flexibility Analysis

**Agency Contact:** Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Avenue SW., Washington, DC 20250, 202 720-6713

**RIN:** 0551-AA32



**DEPARTMENT OF AGRICULTURE (USDA)**  
**Foreign Agricultural Service (FAS)**

**Proposed Rule Stage**

**323. PROPOSED REGULATIONS GOVERNING IMPLEMENTATION OF THE COOPERATOR MARKET DEVELOPMENT PROGRAM OVERSEAS**

**Legal Authority:** 7 USC 1704

**CFR Citation:** 7 CFR 1550

**Legal Deadline:** None

**Abstract:** These regulations are promulgated to provide minimum requirements and criteria under which parties interested in the cooperator Market Development program, as authorized in the Agricultural Trade Development and Assistance Act of 1954 (PL 480), may apply and participate.

**Timetable:**

Action	Date	FR Cite
NPRM	01/01/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, 202 720-6713

**RIN:** 0551-AA26

**324. SECTION 22 IMPORT QUOTAS**

**Significance:** Agency Priority

**Legal Authority:** EO 3019

**CFR Citation:** 7 CFR 6.20 to 6.34

**Legal Deadline:** None

**Abstract:** Provides for quotas for certain dairy products to prevent material interference with the domestic price support program for milk. Controls are administered through a licensing procedure so that the quotas may be allocated in a fair and equitable manner among importers and users. A fee is charged for each license issued to recover the costs of administering the licensing system.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, D. C. 20250, 202 720-6713

**RIN:** 0551-AA27

**325. REGULATIONS GOVERNING THE FINANCING OF COMMERCIAL SALES OF AGRICULTURAL COMMODITIES**

**Legal Authority:** 7 USC 1701 to 1705; 7 USC 1736 (a); 7 USC 1736 (c); 7 USC 5676; EO 12220

**CFR Citation:** 7 CFR 17

**Legal Deadline:** None

**Abstract:** The proposed rule would clarify the interim rule published Feb. 1, 1991 in response to the 1990 Food, Agriculture, Conservation, and Trade Act; it would change the basis for demurrage/despatch computations and the distribution of despatch; and it would limit brokerage payments to country agents and expand U.S. Government access to records. These actions would reduce the possibility of conflicts of interest, expedite loading of commodities, increase competition for ocean transportation and reduce ocean freight expenditures under the PL 480 Title I program.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th & Independence Ave SW., Washington, DC 20250, 202 720-6713

**RIN:** 0551-AA36

**DEPARTMENT OF AGRICULTURE (USDA)**  
**Foreign Agricultural Service (FAS)**

**Final Rule Stage**

**326. REGULATIONS GOVERNING IMPLEMENTATION OF THE MARKET PROMOTION PROGRAM (MPP) OVERSEAS**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1485

**CFR Citation:** 7 CFR 1736; 7 CFR 1485

**Legal Deadline:** None

**Abstract:** These regulations are promulgated to provide minimum requirements and criteria under which parties interested in the Market Promotion Program (MPP) as authorized by the Food, Agriculture, Conservation and Trade Act of 1990, may apply and participate.

**Timetable:**

Action	Date	FR Cite
NPRM	04/26/90	55 FR 17618
NPRM Comment Period End	06/26/90	
Interim Final Rule	08/16/91	56 FR 40745
Interim Final Rule Comment Period End	10/15/91	56 FR 40745
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South

Building, Washington, DC 20250, 202 720-6713

**RIN:** 0551-AA24

**327. CCC EXPORT CREDIT GUARANTEE PROGRAM (GSM-102) AND CCC INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM (GSM-103)**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 714(b); 15 USC 714(f); 7 USC 5802; 7 USC 5622; 7 USC 5661; 7 USC 5663; 7 USC 5664; 7 USC 5876

**CFR Citation:** 7 CFR 1493

**Legal Deadline:** None



**USDA—FAS**

**Final Rule Stage**

**Abstract:** Revision of the regulations for the GSM-102 and GSM-103 programs to improve and update the current regulations and incorporate material required by the Agricultural Act of 1978 as amended by section 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/06/91	56 FR 25998
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, 202 720-6713

**RIN:** 0551-AA30

**328. SUNFLOWERSEED OIL ASSISTANCE PROGRAM OPERATIONS (SOAP) AND COTTONSEED OIL ASSISTANCE PROGRAM OPERATIONS (COAP)**

**Legal Authority:** 7 USC 1464, sec 201(b)(2)(A); PL 101-624, sec 1541 As amends 7 USC 1464, sec 201 (b)(2)

**CFR Citation:** 7 CFR 1570 subpart B; 7 CFR 1570 subpart C

**Legal Deadline:** None

**Abstract:** Title 7, part 1570, subpart B will establish operational regulations for the Sunflowerseed Oil Assistance Program (SOAP). Title 7, part 1570, subpart C will establish operational regulations for the Cottonseed Oil Assistance Program (COAP). These programs have been previously administered by the Foreign Agricultural Service through the issuance of announcements and invitations for offers. The regulations

will replace the issued announcements for SOAP and COAP.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Ave, SW., Washington, DC 20250, 202 720-6713

**RIN:** 0551-AA33

**329. DIRECT CREDIT PROGRAMS (GSM-5, GSM-201, GSM-301) REGULATIONS**

**Legal Authority:** 15 USC 714(c) to 714(f); 07 USC 17070; 07 USC 5602; 07 USC 5621; 07 USC 5661; 07 USC 5662; 07 USC 5676

**CFR Citation:** 7 CFR 1487; 7 CFR 1488; 7 CFR 1491; 7 CFR 1492

**Legal Deadline:** None

**Abstract:** This final rule effects the regulations of the Commodity Credit Corporation (CCC) regarding the use of "Direct credit." The CCC is issuing this final rule which deletes the regulations for the noncommercial risk assurance programs (GSM-101) and amends the regulations for financing of sales of agricultural commodities (GSM-5), the CCC intermediate credit export sales program for breeding animals (GSM-201) and the CCC intermediate credit export sales program for foreign market development facilities (GSM-301). The amendments to the GSM-5, GSM-201 and GSM-301 Programs are made to incorporate material required by provisions of the Food, Agriculture,

Conservation, and Trade Act of 1990 (P.L. 101-624).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Avenue SW., Washington, DC 20250, 202 720-6713

**RIN:** 0551-AA34

**330. EMERGING DEMOCRACIES AGRICULTURAL FACILITY GUARANTEE PROGRAM**

**Legal Authority:** 7 USC 5622 (b)

**CFR Citation:** 7 CFR 17

**Legal Deadline:** None

**Abstract:** The regulations will provide the terms and conditions of obtaining a Commodity Credit Corporation Export Credit Guarantee for agricultural facility establishment or improvement in emerging democracies that will primarily promote the export of U.S. agricultural commodities.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th & Independence Ave SW., Washington, DC 20250, 202 720-6713

**RIN:** 0551-AA35

**DEPARTMENT OF AGRICULTURE (USDA)**

**Completed Actions**

**Foreign Agricultural Service (FAS)**

**331. TYPES AND QUANTITIES OF AGRICULTURAL COMMODITIES AVAILABLE FOR DONATION OVERSEAS UNDER SECTION 416(B) OF THE AGRICULTURAL ACT OF 1949 FOR EACH FISCAL YEAR**

**CFR Citation:** Not applicable

**Completed:**

Reason	Date	FR Cite
Withdrawn	10/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Barry D. Abromovage, 202 720-6713

**RIN:** 0551-AA23



## USDA—FAS

## Completed Actions

**332. PROGRAM CRITERIA FOR THE EXPORT ENHANCEMENT PROGRAM (EEP) AND THE DAIRY EXPORT INCENTIVE PROGRAM (DEIP) AND THE OPERATIONAL REGULATIONS FOR THE DEIP**

CFR Citation: 7 CFR 1494

**Completed:**

Reason	Date	FR Cite
Final Action	10/01/92	57 FR 45262

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Barry D. Ambromovage, 202 720-6713

**RIN:** 0551-AA29

**BILLING CODE** 3410-10-F

**DEPARTMENT OF AGRICULTURE (USDA)  
Forest Service (FS)**

## Prerule Stage

**333. USE OF "SMOKEY BEAR" SYMBOL**

**Legal Authority:** 18 USC 711

**CFR Citation:** 36 CFR 271

**Legal Deadline:** None

**Abstract:** The regulations govern how the name or image of Smokey Bear may be used, who may authorize the use of Smokey Bear, the use of official campaign materials, commercial licensing, and the association with the State Foresters and the Advertising Council. This rule will focus on requirements for better protecting the symbol and exclusivity associated with commercial licensing.

**Timetable:**

Action	Date	FR Cite
Begin Review	11/00/92	
End Review	06/00/93	
NPRM	09/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA66

**Abstract:** The rules at 36 CFR 292, subpart B govern joint administration of the Shasta and Clair Engle-Lewiston units of the National Recreation Area by the Forest Service and the Bureau of Reclamation. The rules also set forth standards for defining compatible private land uses within the National Recreation Area to govern decisions by local zoning authorities, or in the absence of such authorities, decisions on land uses by the Secretary of Agriculture. The review has focused on experience under the rules and whether they still serve the public interest in ensuring that development and management of the NRA meet congressional intent.

**Timetable:**

Action	Date	FR Cite
Begin Review	03/01/88	
End Review	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA68

**Legal Deadline:** None

**Abstract:** The emphasis will be changed in 36 CFR 223.60 away from the Residual Value Appraisal method of appraising National Forest timber to the Transaction Evidence Appraisal method. The basic procedure will be the Transaction Evidence Appraisal system, except in Region 10 where Residual Value appraising will continue to be used in light of the two long-term contracts that are currently in place. Other uses of the Residual Value and other appraisal systems may be used subject to approval from the Chief of the Forest Service.

The present 36 CFR 223.60 leans heavily to the Residual Value Appraisal System. National direction has been given to convert to the Transaction Evidence Appraisal system by October 1, 1992; thus the emphasis in the CFR needs to be changed.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/00/93	
ANPRM	02/00/93	
Comment Period End		
Final Action	03/00/93	
Final Action Effective	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

**RIN:** 0596-AB26

**334. WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA**

**Legal Authority:** 16 USC 472; 16 USC 551

**CFR Citation:** 36 CFR 292, subpart B

**Legal Deadline:** None

**335. CHANGE EMPHASIS AWAY FROM RESIDUAL VALUE APPRAISAL TO TRANSACTION EVIDENCE APPRAISAL AS THE PRIME METHOD OF APPRAISING NATIONAL FOREST TIMBER**

**Legal Authority:** 16 USC 1600

**CFR Citation:** 36 CFR 223.60



## DEPARTMENT OF AGRICULTURE (USDA)

## Proposed Rule Stage

## Forest Service (FS)

**336. GRAZING AND LIVESTOCK USE**

**Legal Authority:** 7 USC 1011; 16 USC 472; 16 USC 551; 16 USC 572; 16 USC 580g; 16 USC 580h; 16 USC 580l; 16 USC 1600 et seq; 31 USC 9701; 43 USC 1901 to 1903; 43 USC 1751; 43 USC 1752

**CFR Citation:** 36 CFR 222, subpart A

**Legal Deadline:** None

**Abstract:** This rulemaking seeks to remove outdated provisions, to incorporate policies and procedures issued in the Forest Service directive system, and to revise the remaining regulations, making them clearer and easier for the public and Agency personnel to use. The proposed regulations (1) clarify the definitions of excess livestock and unauthorized use rate; (2) remove the rule for grazing advisory boards; (3) establish requirements or procedures for minimum permit size, eligibility related to compliance with permit terms, permits for livestock use in vegetation management, valuing range improvements when livestock grazing is eliminated, charging a fee for processing actions initiated or caused by a permittee or applicant, and association meeting frequency of at least 1 every 12 months; (4) incorporate currently used policies and procedures for escrow waivers, associated member grievances, permit cancellation or suspension for excess use, charges for excess use, running a child's livestock under a parent's permit, requests for information for evaluating grazing applications and action on apparent violations of permit terms. (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	08/16/88	53 FR 30954
NPRM Comment Period End	10/17/88	53 FR 30954
NPRM - Second	05/00/93	
NPRM Comment Period End	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: On August 16, 1988, a proposed rule was published in 53 FR 30954. In response to comments received, a second proposed rule is being issued. The dates projected are for proposed and final rules revising 36 CFR 222, subpart A -- grazing and livestock use.

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of

Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA35

**337. PROHIBITION ON MECHANICAL TRANSPORT AND OTHER ACTIVITIES IN WILDERNESS**

**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); 36 CFR 261

**Legal Deadline:** None

**Abstract:** 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 "nonliving" or "living" power sources. The objective of this action is to clarify the definition of mechanical transport in 36 CFR 293.6(a) and to make corollary revisions in the prohibitions applicable to wilderness use, including prohibiting competitive events and expanding the definition of aircraft to include hang gliders, parachutes and parasails. (FS 86-009)

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA39

**338. 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:** A revision of Agency procedures is needed to reduce

confusion regarding the role of the Forest Service in permitting hydroelectric uses on National Forest System lands. The goal of the directives 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.

In addition, the directives will establish a fee system for hydroelectric uses as required by Title V, Section 501 of the Federal Land Policy and Management Act of 1976. A Notice of Proposed Policy was published 6/8/84 and comments were received. The proposed policy will take those comments into account.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA47

**339. LOCATABLE MINERALS**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 478; 16 USC 551; 43 USC 1701 et seq

**CFR Citation:** 36 CFR 228, subpart A

**Legal Deadline:** None

**Abstract:** 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.



USDA—FS

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	
NPRM Comment	12/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA49

**340. NATIONAL FOREST PROHIBITIONS; LAW ENFORCEMENT SUPPORT ACTIVITIES**

**Legal Authority:** 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to 1133(d)(1); 16 USC 559(a)

**CFR Citation:** 36 CFR 261; 36 CFR 262

**Legal Deadline:** None

**Abstract:** The rules at 36 CFR part 261 declare the range of unacceptable public behavior when visiting or using National Forest System lands. Among topics covered are prohibitions on setting campfires in certain areas, unlawful cutting of trees, and other unlawful uses of resources and property of the National Forest System. Violations of these prohibitions carry legal penalties. The rules at 36 CFR part 262 address impoundment of property and rewards for information leading to arrest.

Review has examined the adequacy of the rules for administration of the National Forest System and whether changes in conditions, laws, or other factors require revision. The Agency has completed its review and is now preparing a proposed rule to revise the prohibitions.

**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	08/01/88	
NPRM	10/00/92	
NPRM Comment	12/00/92	
Period End		
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** RIN 0596-AA65 was combined with RIN 0596-AA75

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA75

**341. REVISE SMALL TRACTS ACT REGULATIONS**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 521(c) to 521(i)

**CFR Citation:** 36 CFR 254, subpart C

**Legal Deadline:** None

**Abstract:** Implementation of the Agency's Small Tracts regulations has revealed an inadvertent inconsistency between the regulations at 36 CFR 254.35(f) and 254.41(a) and the legislative history of the Small Tracts Act of January 12, 1983. The regulations imply that the disposal of mineral fractions by sale can only be made in response to an application from an abutting landowner, thus discouraging the conveyance by sale to the public. The Act clearly authorizes sale of mineral fractions to the public through public sale, as well as individual applications, provided that certain conditions are met. The revisions will clarify the application of the Act to ensure that both individual applications and public sale are permissible means of disposing of qualifying tracts.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	01/00/93	
Period End		
Final Action	04/00/93	
Final Action	06/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA79

**342. REVISE RULES GOVERNING SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS AND RESOURCES AT 36 CFR 251 TO REMOVE AMBIGUITIES REGARDING FIRST AMENDMENT RIGHTS**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 472; 16 USC 551; 16 USC 1134; 16 USC 3210; 30 USC 185; 43 USC 1740; 43 USC 1761 to 1771

**CFR Citation:** 36 CFR 251, subpart A; 36 CFR 251, subpart B; 36 CFR 251, subpart E. (New); 36 CFR 251, subpart F (New)

**Legal Deadline:** None

**Abstract:** A Federal District Court has ruled that existing regulations discriminate against groups who wish to gather on National Forests to exercise their first amendment rights of assembly and free speech. The proposed rule will seek to remove ambiguities regarding these first amendment rights.

The Agency is reviewing the rules of other Federal land managing agencies for possible approaches and is considering establishing separate rules for authorizing short-term, noncommercial uses of National Forests.

There will be no additional costs as a result of the proposed rule change. The benefit will be that the Forest Service will be able to adequately regulate large group use on the National Forests in a manner that ensures protection of the public health and safety and National Forest resources.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment	05/00/93	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA80



USDA—FS

Proposed Rule Stage

**343. 36 CFR 241 WILDLIFE: COOPERATION IN WILDLIFE PROTECTION, WILDLIFE MANAGEMENT, AND FEDERAL REFUGE REGULATIONS****Legal Authority:** 16 USC 472; 16 USC 551; 16 USC 683**CFR Citation:** 36 CFR 241**Legal Deadline:** None

**Abstract:** This rule has been reviewed as required by USDA Departmental Regulation 1512-1. The review indicates a need to revise the rule to clarify the roles of Federal and State officials in the enforcement of laws and regulations for the protection of wildlife, to add legal authorities and to revise terminology pertaining to wildlife and enforcement of wildlife laws and regulations. The Agency plans to issue a proposed rule as shown in the timetable below

**Timetable:**

Action	Date	FR Cite
Begin Review	02/01/88	
End Review	12/01/89	
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA81**344. HELLS CANYON NATIONAL RECREATION AREA—PRIVATE LANDS****Legal Authority:** PL 94-199, Sec 10(a)**CFR Citation:** 36 CFR 292, subpart E (New)**Legal Deadline:** None

**Abstract:** The Forest Service proposes to issue regulations concerning use of private lands in the Hells Canyon National Recreation Area (HCNRA) on the Oregon-Idaho border, as required in Pub. L. 94-199. The intended effect of this action is to establish standards for use and development of privately owned lands within the HCNRA.

The standards are intended to achieve the following management objectives for the Recreation Area: (1)

conservation and continuance of forest land for forest uses and farm land for farm uses; (2) maintenance and protection of the free flowing nature of rivers within the HCNRA; (3) conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit; (4) preservation, especially in the area generally known as Hells Canyon, of all features and peculiarities believed to be biologically unique; (5) protection and maintenance of fish and wildlife habitat; (6) protection of archaeological and paleontological sites; (7) preservation of historic sites associated with and typifying the economic and social history of the region (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	09/00/93	
Period End		

**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local

**Additional Information:** ABSTRACT CONT: and the American West; and (8) continuation of traditional uses.

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA88**345. IRREVOCABLE LETTER OF CREDIT****Significance:** Agency Priority**Legal Authority:** 16 USC 472a; 16 USC 528 to 531; 16 USC 1600 et seq; 12 USC 1 et seq**CFR Citation:** None**Legal Deadline:** None

**Abstract:** In a 1987 court decision, a letter of credit issued in lieu of surety bond was found to be unenforceable because the person who signed the letter of credit did not have authority to do so and because the bank had violated State law in regard to limits of liability. Others were invalid because they exceeded the expiration date. To remedy this problem, the Forest Service is proposing to issue a requirement that the bank president certify as to the authority of the person signing the letter of credit and the conformance with

State and Federal statutes. An automatic extension of the expiration date would also be required.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	04/00/93	
Period End		
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA93**346. DISPOSAL OF QUARTZ MINERALS ON THE OUACHITA NATIONAL FOREST****Legal Authority:** PL 100-446, Sec 323; 30 USC 601; 30 USC 603**CFR Citation:** 36 CFR 228, subpart C**Legal Deadline:** None

**Abstract:** This regulation is a direct response to the direction in Section 323 of Public Law 100-446 which classified quartz mineral on the Ouachita National Forest in Arkansas as no longer subject to location under the General Mining Law of 1872. These materials are now to be managed in the same manner as common varieties of mineral materials under regulations prescribed by the Secretary of Agriculture. Publication of this proposal is being delayed until publication of the final rule defining common variety mineral materials (RIN 0596-AA44).

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AB01



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**347. PRE-AWARD INFORMATION REQUIREMENTS****Legal Authority:** 16 USC 472(a); 16 USC 618**CFR Citation:** 36 CFR 223.101**Legal Deadline:** None

**Abstract:** Recently, as the number of timber sale defaults has increased, the number of debarred purchasers has increased, and the Government has initiated a policy of only doing business with responsible parties, it is becoming commonplace for bidders to form new affiliates in order to continue to be awarded Forest Service timber sale contracts. Unless the bidder voluntarily identifies affiliates, the Agency must make the determination through a time consuming process prior to award, prior to determining if double downpayment rules apply, and prior to taking debarment action. This rule would require bidders to disclose, prior to award of sales, all affiliates, and to certify that none are suspended or debarred. Filing false claims would be cause for contract cancellation and debarment action.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment	05/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AB03**348. EXPANDED USE OF PROSPECTING PERMITS AND PREFERENCE RIGHT SALES FOR MINERAL MATERIALS****Legal Authority:** 30 USC 601 et seq**CFR Citation:** 36 CFR 228, subpart C**Legal Deadline:** None

**Abstract:** Currently rules pertaining to prospecting permits and preference right negotiated sales apply only to minerals on acquired National Forest lands. This limitation is felt to encourage parties to locate mining claims on other National Forest lands under the mining laws of 1872, when it would be more appropriate to apply for

a sale of mineral materials. This proposed rule would expand the use of prospecting permits to other National Forest System lands and responds to a recent change in the definition of mineral materials and clarification of those minerals that are subject to mining claims and those that are subject to sale.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	
NPRM Comment	08/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AB12**349. CLARIFICATION AND REVISION OF APPEALABLE DECISIONS UNDER 36 CFR PART 251, SUBPART C****Legal Authority:** 16 USC 472; 16 USC 551**CFR Citation:** 36 CFR 251, subpart C**Legal Deadline:** None

**Abstract:** The current rules at 36 CFR part 251 subpart C provide appeal procedures for holders of or certain applicants for land use and occupancy authorizations. Experience under this rule indicates a need to revise the rule as to purpose and scope and appealable decision. Questions have arisen on whether terms and conditions of the permit and routine administration of the permit by the Forest Service are appealable. In addition, the rule is silent on administrative review of decisions regarding recomputation of timber volume shares for small timber purchasers and decisions related to determination for the need for structural changes in a market area under the Small Business Timber Set Aside program. This rulemaking will seek to address the problems.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	01/00/93	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, 703 235-1488

**RIN:** 0596-AB17**350. LAND AND RESOURCE MANAGEMENT PLANNING****Significance:** Agency Priority**Legal Authority:** 16 USC 1600 et seq; 5 USC 301**CFR Citation:** 36 CFR 219**Legal Deadline:** None

**Abstract:** This rulemaking will revise the regulations governing forest land and resource management planning to reflect agency experience in preparing initial forest plans as required by the National Forest Management Act. The rule will articulate and clarify the forest planning and decisionmaking process, propose ways to streamline plan amendment and revision, and, in general, adjust and fine tune the rule and its requirements to make the planning process more realistic, meaningful, and efficient.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/15/91	56 FR 6508
NPRM	10/00/92	
NPRM Comment	12/00/92	
Period End		
Final Action	04/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, 703 235-1488

**RIN:** 0596-AB20**351. GOVERNMENT CANCELLATION OF TIMBER SALE CONTRACTS****Significance:** Agency Priority**Legal Authority:** 16 USC 551**CFR Citation:** 36 CFR 223.40; 36 CFR 223.116**Legal Deadline:** None

**Abstract:** Current regulations governing cancellation of National Forest timber sale contracts do not adequately protect the Government's financial interests in



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the event the Forest Service is forced to cancel contracts due to events beyond its control arising from compliance with environmental statutes. This rulemaking would remove an unworkable compensation of damages formula, remove limits applicable to length of contract term, and establish a termination for environmental protection clause in timber sale contracts, a standard in most Federal procurement contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	04/00/93	
Period End		
Final Action	05/00/93	
Final Action	05/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AB21

### 352. SPECIES SURPLUS TO DOMESTIC MANUFACTURING NEEDS

**Legal Authority:** 16 USC 620 et seq

**CFR Citation:** 36 CFR 223.200

**Legal Deadline:** None

**Abstract:** This proposed rule would amend subpart F, part 223 of title 36 of the Code of Federal Regulations, section 223.200, to list species proposed to be surplus to domestic manufacturing needs.

This proposed rule would implement a portion of section 489(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 USC 620 et seq). Section 489(a) of the Act provides that no person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange or otherwise convey such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States. Section 489(b) of the Act provides that the prohibition contained in subsection (a)

shall not apply to specific quantities of grades and species of unprocessed timber originating in Federal lands which the Secretary concerned determines to be surplus to domestic manufacturing needs, issued in accordance with section 553 of title 5, USC.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	04/00/93	
Period End		
Final Action	05/00/93	
Final Action	05/00/93	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

**RIN:** 0596-AB27

### 353. RETENTION OF DOWNPAYMENT ON TIMBER SALE CONTRACTS

**Legal Authority:** 16 USC 472(a); 16 USC 618

**CFR Citation:** 36 CFR 223.49

**Legal Deadline:** None

**Abstract:** The Federal Timber Sale Contract Payment Modification Act directs the Forest Service to require purchasers to make downpayments and periodic payment on timber sales. The objective of these requirements is to discourage speculative bidding on National Forest System timber sales. This rule will identify the requirements to hold downpayments until the timber sale contract is substantially completed.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	04/00/93	
Period End		
Final Action	05/00/93	
Final Action	05/00/93	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Public Compliance Cost:** Initial Cost: \$10,000; Yearly Recurring Cost: \$0

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of

Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

**RIN:** 0596-AB28

### 354. PROPOSED POLICY NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING FOREST SERVICE MANUAL (FSM 1920)

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1600 et seq

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The proposed manual policy would incorporate all direction for land and resource management planning into one Forest Service Manual chapter (FSM 1920). The proposed policy would clarify how the revised land and resource management planning regulations at 36 CFR 219 will be implemented. The proposal will focus on implementation of forest plans: monitoring, evaluation, amendment, and revision of forest plans; and clarifying the relationship between forest planning and project decisionmaking. The agency plans to make this policy available for review during the comment period on the proposed revised rule (see entry for 0596-AB20).

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	05/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

**RIN:** 0596-AB31

### 355. USE OF FIXED ANCHORS FOR ROCK CLIMBING IN WILDERNESS

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1121; 16 USC 1131 to 1136

**CFR Citation:** 36 CFR 261.16; 36 CFR 293.9

**Legal Deadline:** None



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**Abstract:** The sport of rock climbing is often accomplished by using fixed, rather than removable, metal bolts and anchors. These bolts are considered permanent improvements when installed. These improvements may detract from the wilderness experience and are not always compatible with management of the wilderness resource. The Forest Service proposes to reduce impacts on the wilderness resource by regulating use of fixed anchors for rock climbing in wilderness administered by the agency so that rock climbing occurs in a manner compatible with wilderness management. Alternatives to the proposed action are to prohibit all use of fixed anchors in wilderness, or permit unrestricted use of fixed anchors.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Public Compliance Cost:** Initial Cost: \$0; Yearly Recurring Cost: \$1,000; Base Year for Dollar Estimates: 1992

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

**RIN:** 0596-AB33

**356. ● SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS**

**Significance:** Agency Priority

**Legal Authority:** 43 USC 1764; 31 USC 483(a); 30 USC 181. Mineral Leasing Act; 16 USC 551

**CFR Citation:** 36 CFR 251(b)

**Legal Deadline:** None

**Abstract:** The Forest Service proposes to amend the regulations governing the use and occupancy of National Forest System lands to minimize application expenses, streamline and make more efficient environmental analysis of special use proposals, provide the ability to use one-time payments for easements as presently used in the

market place, limit certain liability requirements to amounts determined by a risk assessment, make certain definitions more explicit, and clarify direction on renewal of existing special use regulations. The intended effect is to reduce costs to proponents and the agency, expedite decisionmaking, and administer authorizations in a more "user friendly" manner by removing certain requirements deemed unnecessary and/or outdated.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	01/00/93	
Final Action Effective	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

**RIN:** 0596-AB35

**DEPARTMENT OF AGRICULTURE (USDA)**

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**357. IMPROVING FINANCIAL SECURITY OF TIMBER SALE CONTRACTS**

**Significance:** Regulatory Program; Agency Priority

**Legal Authority:** 16 USC 472a

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service proposes to strengthen the Government's contract financial position by: the elimination of the \$500,000 performance bond ceiling; increasing the bid guarantee to 10 percent of the advertised value; assessing damages for contract repudiation based on resale value; and conditions. In addition, the Forest Service is proposing to increase the amount of contract security to deter speculative bidding, decrease the potential for contract defaulting, and provide additional guarantee for payment in the event of default damage claims. Following notice and comment, these changes will be issued in the form

of instruction to agency contracting officers in the Forest Service Directive System.

**Timetable:**

Action	Date	FR Cite
NPRM	12/07/90	55 FR 50647
NPRM Comment Period End	01/07/91	
Final Action	04/00/93	
Final Action Effective	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This action separates the rule making issues from the policy proposals contained in RIN-AA33, as listed in the April 1990 Agenda.

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box

96090, Washington DC 20090-6090, 703 235-1488

**RIN:** 0596-AA33

**358. 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 102 Stat 1086

**CFR Citation:** 36 CFR 254, subpart A

**Legal Deadline:** Final, Statutory, August 20, 1989.

**Abstract:** Changes in existing regulations are needed to implement provisions of the Federal Land Exchange Facilitation Act of August 20, 1988, as well as to correct errors, delete obsolete portions, update to reflect current authorities, and clarify ambiguities. Upon consideration of public comment and further coordination with the Bureau of Land Management which is also developing



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rules to implement the Act, the Agency has decided to issue a new proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34368
NPRM Comment Period End	10/02/89	
Extension of Comment Period	12/01/89	54 FR 41849
NPRM	10/02/91	56 FR 49948
NPRM Comment Period End	12/02/91	
Final Action	11/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA42

**359. 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:** 36 CFR 254, subpart D (New)

**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, as amended, 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. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	52 FR 23473
Final Action	11/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA52

**360. SURETY BOND FORM REVISION**

**Significance:** Agency Priority

**Legal Authority:** 31 USC 9301 to 9309; 31 USC 223 to 225

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** Following a period of high-priced timber sales bid prior to 1982, the Forest Service experienced a number of contract defaults on these sales. Subsequently, the Forest Service has had difficulty collecting from some sureties on the bonds guaranteeing performance on these sales. As part of a financial security initiative affecting future sales, the Forest Service is proposing to revise the payment and performance bonds to clarify surety's obligation in regard to what is being guaranteed, when payment is due in case of default, what additional charges will be assessed if payment is not made when due and when collection action may be suspended. Other alternatives include eliminating surety bonds as a form of security, reducing surety guarantee to mid-point and periodic payment and retention of current bond forms. Upon adoption the final revised bond forms will be issued for use by Forest Service Contracting and Fiscal Officers for future timber sale contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1742
NPRM Comment Period End	03/20/89	
Final Action	03/00/93	
Final Action Effective	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Final action on this entry has been delayed to obtain advice of the Comptroller General.

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AA94

**361. FEDERAL CAVE RESOURCES PROTECTION**

**Significance:** Agency Priority

**Legal Authority:** PL 100-691

**CFR Citation:** 36 CFR 290, subpart A (New)

**Legal Deadline:** Final, Statutory, August 18, 1989.

**Abstract:** These regulations will implement the Federal Cave Resources Protection Act of 1988, which requires that the rules define what is a significant cave for purposes of this Act. The Act also requires that the rules address an inventory of cave resources, provide for confidentiality of information concerning the nature and location of caves on Federal land, and permits for collection and removal of cave resources. The regulations are being developed in concert with agencies of the U.S. Department of the Interior as required by the act.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/03/89	54 FR 9066
ANPRM Comment Period End	04/03/89	54 FR 9066
NPRM	12/23/91	56 FR 66388
NPRM Comment Period End	03/23/92	
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AB02



**362. NATIONAL ENVIRONMENTAL POLICY ACT REVISED IMPLEMENTING POLICY AND PROCEDURES**

**Significance:** Agency Priority  
**Legal Authority:** PL 91-190; PL 91-224  
**CFR Citation:** 40 CFR 1500 to 1508  
**Legal Deadline:** None

**Abstract:** This action is an update and revision of the Agency's policy and procedure pursuant to the Policy Act and Council on Environmental Quality regulations. The proposed revisions will address changes caused by changing conditions and recent case law. It includes establishment of categories of actions excluded from documentation in an environmental assessment or environmental impact statement.

**Timetable:**

Action	Date	FR Cite
NPRM	04/29/91	56 FR 19718
NPRM Comment Period End	06/28/91	
Final Action	10/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488  
**RIN:** 0596-AB05

**363. RECREATION RESIDENCE AUTHORIZATION POLICY**

**Significance:** Agency Priority  
**Legal Authority:** 16 USC 497  
**CFR Citation:** 36 CFR 251  
**Legal Deadline:** None

**Abstract:** The policy for administering recreation residences on National Forest lands was adopted August 18, 1988 (53 FR 30924) and subsequently appealed under the administrative appeal process (36 CFR 211.18). In rendering his decision on the appeal the Assistant Secretary of Agriculture for Natural Resources and Environment suspended certain provisions related to tenure and the offering of in-lieu sites; designated the remaining features interim policy; and directed the Chief of the Forest Service to review and reconsider the entire policy (54 FR 23499; June 1, 1989). The policy is being reformulated and consideration given to

public comments received. The purpose of the policy is to improve the administration of recreation residence permits and implement a revised fee schedule that obtains fair market value for the use. The policy affects about 15,800 permittees.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/20/89	54 FR 38700
ANPRM Comment Period End	11/20/89	
ANPRM Comment Period Extended	01/19/90	54 FR 48666
NPRM	10/10/91	56 FR 51260
NPRM Comment Period End	03/08/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488  
**RIN:** 0596-AB06

**364. HELLS CANYON NATIONAL RECREATION AREA—USE OF NATIONAL FOREST LANDS**

**Significance:** Agency Priority  
**Legal Authority:** 16 USC 460(gg) Hells Canyon National Recreation Area  
**CFR Citation:** 36 CFR 292, subpart F (New)  
**Legal Deadline:** None

**Abstract:** In Oregon Natural Resource Council v Lyng, the 9th Circuit Court of Appeals ruled that the Secretary must promulgate regulations as required by the Hells Canyon National Recreation Act (HCNRA) governing federal and private land uses in the HCNRA. The Department had argued that such rules were discretionary and the Agency's comprehensive management plan for the NRA, which was prepared as required by the Act, was sufficient to guide management of the area. As a result of the court's ruling, the risk of litigation to halt ongoing activities, particularly timber sales, is high. Accordingly, there is an urgent need to promulgate an interim rule governing

management of the federal lands in the HCNRA. While many existing regulations governing National Forest System lands remain applicable to the Hells Canyon NRA, pending projects and plans are vulnerable to continued litigation until final rules are effective. An interim rule is the most expeditious way to effect rules. Public comment will be invited on the interim rule and will be considered in development of the final rule. (cont)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/05/89	54 FR 41089
Interim Final Rule Comment Period End	12/04/89	
Final Action	05/00/93	
Final Action Effective	06/00/93	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Additional Information:** ABSTRACT CONT: The only alternative to the court ruling to promulgate rules is to publish a proposed rule rather than interim rules. This is unacceptable because of the potential for disruption to management of the area and the regulatory void that would be created by the longer timeframes involved in going through a Notice of Proposed Rulemaking.  
**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488  
**RIN:** 0596-AB08

**365. FEDERAL TIMBER EXPORT AND SUBSTITUTION RESTRICTIONS (COMPREHENSIVE REVISION)**

**Significance:** Agency Priority  
**Legal Authority:** 16 USC 620 to 620j  
**CFR Citation:** 36 CFR 223, subpart B; 36 CFR 223, subpart C; 36 CFR 223, subpart D  
**Legal Deadline:** Final, Statutory, May 20, 1991.

**Abstract:** These rules are necessary to carry out the restrictions placed on the export of unprocessed timber from Federal lands and the restrictions on the direct and indirect purchasing of Federal logs to be used in substitution for the export of unprocessed timber



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originating from private lands. The rules are mandated by the Forest Resources Conservation and Shortage Relief Act of August 20, 1990. The Act calls for various rules to be issued. The agency anticipates several rulemakings to achieve implementation of the act. See RIN 0596-AB25 for related rulemaking.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/20/90	55 FR 48572
Interim Rule Effective	11/20/90	
NPRM	01/29/91	56 FR 3375
NPRM Comment Period End	02/05/91	56 FR 3375
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 202 235-1488

**RIN:** 0596-AB22

### 366. BELOW-COST TIMBER SALE PROGRAM POLICY AND GUIDELINES

**Significance:** Agency Priority

**Legal Authority:** 43 USC 1764

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Forest Service is proposing a policy and implementing guidelines to address below-cost timber sale programs on individual National Forests. The policy would be issued to Forest Service field employees, would address the costs and revenues associated with the management of National Forest timber sale programs, and would require use of the Timber Sale Program Information Reporting System to assess each National Forest timber sale program.

**Timetable:**

Action	Date	FR Cite
NPRM	04/16/91	56 FR 15323
NPRM Comment Period End	06/17/91	56 FR 15323
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

**RIN:** 0596-AB24

### 367. REVIEW AND COMMENT ON NATIONAL FOREST PLANS AND PROJECT DECISIONS

**Significance:** Agency Priority

**Legal Authority:** 16 USC 551; 16 USC 472

**CFR Citation:** 36 CFR 217

**Legal Deadline:** None

**Abstract:** This final rule establishes procedures to require notice and opportunity to comment on certain proposed Forest Service actions for which an environmental assessment and finding of no significant impact are prepared. In addition, the rule revises the Agency's administrative appeal process at 36 CFR part 217 to limit appeals to only final decisions approving, revising, or significantly amending a national forest land and resource management plan. The intended effect is to expand opportunities for predecisional involvement of the public in Forest Service decisionmaking, achieve administrative efficiencies in Agency decisionmaking, reduce the uncertainty for communities and workers dependent upon Forest Service goods and services by minimizing delay in providing a stable supply of resources, remove impediments to economic growth arising from the current appeals process, and provide a reasonable assurance that the Forest Service has the ability to carry out programs authorized and funded by Congress.

**Timetable:**

Action	Date	FR Cite
NPRM	03/26/92	57 FR 10444
NPRM Comment Period End	04/27/92	
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

**RIN:** 0596-AB30

### 368. STATE AND PRIVATE FORESTRY ASSISTANCE STEWARDSHIP INCENTIVE PROGRAM

**Significance:** Agency Priority

**Legal Authority:** 16 USC 2101 et seq

**CFR Citation:** 36 CFR 230

**Legal Deadline:** None

**Abstract:** This final rule would incorporate any changes resulting from public comments on the interim rule published December 4, 1991. The interim rule established the interim procedures for administration of the Stewardship Incentive Program. The Program is intended to encourage private landowners, through cost-share assistance, to manage their forest lands for economic, environmental, and social benefits. Only two alternatives were considered in detail: (1) to implement the Program in accordance with 16 USC 2101, et seq, and (2) not to implement the Program, in which case there would be no accelerated program for multiple resource management on nonindustrial private forest lands. The overall effects of the Program over time will be environmentally beneficial by enhancing wetlands, wildlife habitat, forest health, forest productivity, and recreation. The Program will help meet future demand for commodity and noncommodity forest resources. There are no potential negative impacts anticipated for the Program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/04/91	56 FR 63581
Interim Final Rule Public Comment Period End	01/21/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box



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96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB32

**369. ● VIABILITY OF SPECIES IN FOREST PLANNING**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1600 et seq

**CFR Citation:** 36 CFR 219.19

**Legal Deadline:** None

**Abstract:** This rulemaking would make explicit the Department's longstanding interpretation of its National Forest Management Act (NFMA) regulation that, for species listed under the Endangered Species Act (ESA), the

requirements of the ESA supersede the requirement in the NFMA regulations that fish and wildlife habitat on National Forests be managed "to maintain viable populations of native and desired non-native vertebrate species." A recent court ruling contradicted this interpretation and stated that the Forest Service must develop viability standards under the NFMA regulation for threatened and endangered species. The alternative to issuing this proposed rule is to take no action. The result of no action is likely to be further court rulings requiring the Forest Service to manage listed species under two separate standards, a viability standard developed under the

NFMA regulation and the requirements of the ESA.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/91	56 FR 42300
NPRM Comment Period End	09/26/91	56 FR 42300
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB34

**DEPARTMENT OF AGRICULTURE (USDA)**

Completed Actions

Forest Service (FS)

**370. COLLECTION OF REIMBURSABLE COSTS FOR PROCESSING SPECIAL-USE APPLICATION AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS**

**Significance:** Regulatory Program

**CFR Citation:** 36 CFR 251, subpart B

**Completed:**

Reason	Date	FR Cite
Suspended	01/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marian P. Connolly, 703 235-1488

RIN: 0596-AA36

**371. INTERVENTION IN APPEALS**

**Significance:** Agency Priority

**CFR Citation:** 36 CFR 217

**Completed:**

Reason	Date	FR Cite
Withdrawn	07/24/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Marian P. Connolly, 703 235-1488

RIN: 0596-AB15

**372. IMPROVING FINANCIAL SECURITY OF TIMBER SALE CONTRACTS**

**Completed:**

Reason	Date	FR Cite
Duplicate of RIN 0596-AA33	07/24/92	

RIN: 0596-AB18

BILLING CODE 3410-11-F

**DEPARTMENT OF AGRICULTURE (USDA)**

Final Rule Stage

Office of Finance and Management (OFM)

**373. AUDITS OF INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT ORGANIZATIONS**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301

**CFR Citation:** 7 CFR 3015; 7 CFR 3051

**Legal Deadline:** None

**Abstract:** Sets forth USDA's policy for audits of institutions of higher education and other nonprofit organizations and implements OMB's Circular A-133.

**Timetable:**

Action	Date	FR Cite
NPRM	04/11/91	56 FR 4654
NPRM Comment Period End	05/11/91	
Final Action	12/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Larry Wilson, Director, Department of Agriculture, Office of Finance and Management, Rm 4094 South Building, 14th &

Independence Ave SW., Washington DC 20250, 202 720-8345

RIN: 0505-AA07

**374. AUDITS OF STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 31 USC 7505

**CFR Citation:** 7 CFR 3015; 7 CFR 3016; 7 CFR 3050

**Legal Deadline:** None



## USDA—OFM

## Final Rule Stage

**Abstract:** Consolidates and revises USDA's policy for audits of State, local and Indian Tribal Governments.

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/93	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Agency Contact:** Larry Wilson, Director, Department of Agriculture, Office of Finance and Management, Rm 4094 South Building, 14th & Independence Ave SW., Washington DC 20250, 202 720-8345

**RIN:** 0505-AA09  
**BILLING CODE** 3410-90-F

## DEPARTMENT OF AGRICULTURE (USDA)

## Proposed Rule Stage

## Office of the Secretary (AgSEC)

**375. ● FOOD STAMP PROGRAM: FORFEITURE AND DENIAL OF PROPERTY RIGHTS**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 2024(g)

**CFR Citation:** 7 CFR 271.5

**Legal Deadline:** None

**Abstract:** The USDA Office of Inspector General is proposing this rule to implement section 15(g) of the Food Stamp Act of 1977, as amended by section 124 of the Food Stamp Act Amendments of 1980, Public Law 96-249, which authorizes the Secretary of Agriculture to subject to forfeiture and

denial of property rights any nonfood items, moneys, negotiable instruments, securities, or other things of value that are furnished or intended to be furnished by any person in exchange for food coupons, authorization cards, or other program benefit instruments or access devices in any manner not authorized by the Act or regulations issued pursuant to the Act, 7 USC 2024(g). The proposed rule would establish procedures concerning the handling of forfeited property to be followed by the Inspector General and other Federal Law enforcement officials. Violations of the Food Stamp Act may

acquire property subject to forfeiture and denial of property rights.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Herb Murray, Senior Special Agent, Program Investigations Division, Department of Agriculture, Office of the Secretary, Room 418-A Administration Building, Washington, DC 20250, 202 720-4401

**RIN:** 0503-AA07

## DEPARTMENT OF AGRICULTURE (USDA)

## Final Rule Stage

## Office of the Secretary (AgSEC)

**376. ● EMPLOYEE RESPONSIBILITIES AND CONDUCT**

**Significance:** Agency Priority

**Legal Authority:** PL 101-194 Ethics Reform Act; EO 12674 Ethical Conduct for Government Officers and Employees

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The regulation will be rewritten to supplement Government-wide conduct regulations to be issued

by the Office of Government Ethics (OGE). The OGE must approve USDA's supplementation.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Donald Downing, Chief, Security, Employee and Labor Relations Staff, Department of Agriculture, Office of the Secretary, Room 47W Administration Building, 14th and Independence Ave. SW., Washington, DC 20250, 202 720-3327

**RIN:** 0503-AA05

## DEPARTMENT OF AGRICULTURE (USDA)

## Completed Actions

## Office of the Secretary (AgSEC)

**377. SMALL OR LIMITED RESOURCE FARMERS' INITIATIVE**

**Significance:** Regulatory Program

**CFR Citation:** 7 CFR 15

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/26/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dana Froe, 202 720-1141

**RIN:** 0503-AA04  
**BILLING CODE** 3410-90-F



**DEPARTMENT OF AGRICULTURE (USDA)**  
**Rural Electrification Administration (REA)**

**Proposed Rule Stage**

**378. LOAN SECURITY DOCUMENTS—  
TELEPHONE PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq

**CFR Citation:** 7 CFR 1744

**Legal Deadline:** None

**Abstract:** This new rule provides information on the loan security documents borrowers are required to execute and includes as appendixes REA's standard forms of loan contract, note, and mortgage.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	01/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA30

**379. CREDIT SUPPORT OF POWER  
SUPPLY BORROWERS**

**Legal Authority:** 7 USC 901 et seq; PL 99-591

**CFR Citation:** 7 CFR 1710.350 to 1710.399

**Legal Deadline:** None

**Abstract:** This regulation establishes REA policy and procedures requiring certain power supply borrowers to obtain credit support from member owners in connection with new loans or loan guarantees made by REA.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	04/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234

South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA39

**380. REVISION OF  
TELECOMMUNICATION POLICIES  
AND PROCEDURES FOR APPROVAL  
OF STANDARDS, SPECIFICATIONS,  
CONTRACT FORMS, AND DRAWINGS**

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq

**CFR Citation:** 7 CFR 1755

**Legal Deadline:** None

**Abstract:** This regulation will update, consolidate, and clarify REA policies and procedures relating to approvals of REA standards, specifications, equipment contract forms, manual selections, and drawings, and REA acceptances of materials and equipment for use on REA-financed telephone facilities.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA45

**381. RURAL BUSINESS INCUBATOR  
PROJECT**

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq; PL 101-624

**CFR Citation:** 7 CFR 1703

**Legal Deadline:** Final, Statutory, May 28, 1991.

Legal deadline has expired.

**Abstract:** This new rule will establish a rural business incubator fund. The fund will make loans and grants to REA electric and telephone borrowers to promote, create, or operate business incubators in rural areas. This rule is required by the Rural Economic Development Act of 1990.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Undetermined

**Additional Information:** Funds not approved for program in fiscal year 1991.

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA46

**382. ELECTRIC SYSTEM  
CONSTRUCTION POLICIES AND  
PROCEDURES—ELECTRIC  
MATERIALS AND CONSTRUCTION**

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq

**CFR Citation:** 7 CFR 1726

**Legal Deadline:** None

**Abstract:** This rule will codify and update Agency policies and procedures for the construction of electrical systems of REA borrowers.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment	05/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA47

**383. ELECTRIC SYSTEM PLANNING  
AND DESIGN—POLICIES AND  
PROCEDURES**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq



## USDA—REA

## Proposed Rule Stage

**CFR Citation:** 7 CFR 1724**Legal Deadline:** None**Abstract:** This rule will codify and update Agency policies and procedures for the planning and design of electrical systems of REA borrowers.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment	05/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550**RIN:** 0572-AA48**384. MARGIN STABILIZATION PLANS AND REVENUE AND EXPENSE DEFERRALS****Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq**CFR Citation:** 7 CFR 1767**Legal Deadline:** None**Abstract:** This rule will set forth procedures that borrowers must follow to obtain approval of margin stabilization plans and revenue and expense deferrals. The rule will implement provisions of Statement of Financial Accounting Standards No. 71, Accounting for the Effects of Certain Types of Regulation.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	
NPRM Comment	07/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** An Advance Notice of Proposed Rulemaking on this subject was published November 7, 1988, at 53 FR 44887 as 7 CFR part 1718. As part of REA's project to simplify and clarify Agency regulations, it has been redesignated as shown above.**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th &

Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA50**385. REA SPECIFICATION FOR FILLED TELEPHONE CABLES WITH EXPANDED INSULATION****Legal Authority:** 7 USC 1921 et seq**CFR Citation:** 7 CFR 1755**Legal Deadline:** None**Abstract:** REA proposes to revise 7 CFR 1755.97 by rescinding Bulletin 345-89, and incorporating by reference new Bulletin 1753F-208 (PE-89), REA Specification for Filled Telephone Cables with Expanded Insulation. The new Bulletin will update the end product performance requirements of filled cables with expanded insulation. These new requirements are a result of technological advances during the last five years.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550**RIN:** 0572-AA56**386. REA SPECIFICATION FOR FILLED BURIED WIRES****Legal Authority:** 7 USC 1921 et seq**CFR Citation:** 7 CFR 1755**Legal Deadline:** None**Abstract:** REA proposes to revise 7 CFR 1755.97 by rescinding Bulletin 345-86, REA Specification for Filled Buried Service Wire, and Incorporating by Reference new Bulletin 1753F-206(PE-86). The new Bulletin implements the use of 24 AWG conductor sizes and 3 pair wire designs, includes raw material requirements for insulation and jacket compounds, and establishes end product requirements associated with these standards.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	
NPRM Comment	07/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550**RIN:** 0572-AA57**387. GENERAL SPECIFICATION FOR DIGITAL, STORED, PROGRAM CONTROLLED CENTRAL OFFICE EQUIPMENT****Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq**CFR Citation:** 7 CFR 1755**Legal Deadline:** None**Abstract:** REA proposes to revise 7 CFR 1755 by rescinding Bulletin 345-165, General Specification for Digital, Stored, Program Controlled Office Equipment, and incorporate by reference new Bulletin 1753E-001 (522). The new Bulletin will permit greater latitude to provision power converters and ringing source functions, and limit a diminished effect on public telephone service integrity.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	
NPRM Comment	06/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550**RIN:** 0572-AA58**388. SPECIFICATION FOR FIBER OPTIC SPLICE CLOSURES****Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq**CFR Citation:** 7 CFR 1755



## USDA—REA

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** REA proposes to issue a specification for fiber optic splice closures which would describe the mechanical and electrical requirements that ensure safe, reliable, and cost effective closures for REA telephone borrowers. Specific references to appropriate industry standards would be incorporated. Detailed product evaluation procedures will be covered where industry specifications are not available.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	
NPRM Comment	07/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA62

**389. REA SOFTWARE LICENSE AGREEMENT**

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq

**CFR Citation:** 7 CFR 1755

**Legal Deadline:** None

**Abstract:** REA proposes to establish a uniform software license agreement to be attached to all REA-financed central office equipment contracts as an addendum.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA63

**390. REA SPECIFICATION FOR MECHANICAL FIBER OPTIC SPLICES**

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq

**CFR Citation:** 7 CFR 1755

**Legal Deadline:** None

**Abstract:** REA proposes to issue a specification for mechanical fiber optic splices which describes the mechanical and electrical requirements that insure safe, reliable, and cost effective splices for use by REA telephone borrowers. Specific references to industry standards will be incorporated. Product evaluation procedures will be specified where industry specifications are not available.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	
NPRM Comment	06/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA64

**391. LOAN ACCOUNT COMPUTATIONS, POLICIES, AND PROCEDURES**

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1785

**Legal Deadline:** None

**Abstract:** REA proposes to codify, consolidate, and update the policies and procedures currently contained in REA Bulletin 20-9:320-12.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	12/00/92	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234

South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA65

**392. ELECTRIC STANDARDS AND SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION**

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1728

**Legal Deadline:** None

**Abstract:** This regulation provides REA borrowers and the public with specifications for material and equipment as a complement to the list of construction standards and specifications incorporated by reference.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA67

**393. PRE-LOAN POLICIES AND PROCEDURES FOR INSURED ELECTRIC LOANS**

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1714

**Legal Deadline:** None

**Abstract:** This regulation contains the administrative policies, requirements and procedures of the REA electric program for applicants seeking insured loan funds from REA to furnish electric service in rural areas.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	01/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff,



## USDA—REA

## Proposed Rule Stage

Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA69

### 394. ● POST-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1717, subpart O; 7 CFR 1717, subpart P; 7 CFR 1717, subpart S

**Legal Deadline:** None

**Abstract:** This regulation will codify most basic post-loan policies and procedures common to insured and guaranteed electric loans.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA70

### 395. ● POST-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1717, subparts A to F; 7 CFR 1717, subparts J to K

**Legal Deadline:** None

**Abstract:** This regulation will codify most basic post-loan policies and procedures common to insured and guaranteed electric loans.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA71

### 396. ● REA PERFORMANCE SPECIFICATION FOR LINE CONCENTRATORS

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1755

**Legal Deadline:** None

**Abstract:** REA is proposing to revise the specification to reflect the latest technical advancements in line concentrator performance. REA is also proposing to rescind Bulletin 345-185 (REA Form 397g) from section 1755.97, Incorporation By Reference of Telephone Standards. REA proposes to codify the revised Bulletin as 7 CFR 1755.397.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	
NPRM Comment	07/00/93	
Period End		
Final Action	12/00/93	
Final Action	01/00/94	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA72

### 397. ● REA BUY AMERICAN REQUIREMENT

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 901 et seq

**Legal Deadline:** None

**Abstract:** This proposed rule would provide borrowers, material and equipment manufacturers, and the public with proposed rules for compliance with a Buy American requirement in connection with the expenditure of loan, grant, or guaranteed funds. This action will

codify the requirements of the Buy American Act and Executive Order 10582. REA Bulletin 43-9:344-3 "Buy American" will be rescinded upon publication of the final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	02/00/93	
Period End		
Final Action	06/00/93	
Final Action	07/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA73

### 398. ● ELECTRIC SYSTEMS OPERATIONS AND MAINTENANCE

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1730

**Legal Deadline:** None

**Abstract:** The Rural Electrification Administration proposes to codify and clarify REA policy concerning operation and maintenance of borrower electric systems. In addition, it is proposed to add REA policies relating to the review and evaluation of borrower systems and facilities financed with loans from REA. These policies are presently contained in REA Bulletin 161-5 which will be rescinded upon publication of the final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	01/00/93	
Period End		
Final Action	06/00/93	
Final Action	07/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234



## USDA—REA

## Proposed Rule Stage

South Building, Washington, DC 20250,  
202 720-9550

RIN: 0572-AA74

### 399. ● CIVIL RIGHTS POLICIES APPLICABLE TO REA BORROWERS

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1790

**Legal Deadline:** None

**Abstract:** This action provides REA borrowers with access to the requirements of Title VI, Section 504, and the Age Discrimination Act, which apply directly to the operation of their programs and activities. REA Bulletin 20-19:320-19, entitled Nondiscrimination Among Beneficiaries of REA Programs will be rescinded upon publication of the final rule.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	01/00/93	
Final Action	08/00/93	
Final Action Effective	09/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA75

### 400. ● LOAN DOCUMENTS- TELEPHONE LOAN PROGRAM

**Legal Authority:** 7 USC 941 et seq

**CFR Citation:** 7 CFR 1620

**Legal Deadline:** None

**Abstract:** REA proposes to add a new part 1620 which provides information on loan documents which telephone borrowers are required to execute. New part 1620 will also include Rural Telephone Bank standard forms of loan contract, note, and mortgage. Bulletin 402-1, Mortgage Restrictions on Dividends and Other Distributions - Telephone Borrowers, will be rescinded upon publication of the final rule.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	01/00/93	
Final Action	06/00/93	
Final Action Effective	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA76

### 401. ● STANDARDS AND SPECIFICATIONS FOR TIMBER PRODUCTS ACCEPTABLE FOR USE ON REA FINANCED ELECTRIC AND TELEPHONE SYSTEMS

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq

**CFR Citation:** 7 CFR 1728; 7 CFR 1755

**Legal Deadline:** None

**Abstract:** The Rural Electrification Administration Administration proposes to revise 7 CFR 1728 by rescinding Bulletins 50-17 and 50-24, and codifying the information of these bulletins at 1728.95 and 1728.96 respectively. Also, REA proposes to revise Bulletin 50-18, renumber it as 1728F-DT5C, and incorporate it by reference at 7 CFR 1728. Additionally, REA proposes to revise 7 CFR 1755 by incorporating by reference Bulletin 1728F-DT5C. These revisions are prompted by borrower requests to use copper naphthenate products, and by suppliers wanting to furnish these products to REA borrowers.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	01/00/93	
Final Action	07/00/93	
Final Action Effective	08/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff,

Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA77

### 402. ● BORROWER INVESTMENTS- TELEPHONE LOAN PROGRAM

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq

**CFR Citation:** 7 CFR 1744

**Legal Deadline:** None

**Abstract:** The Rural Electrification Administration proposes to add a new subpart E to 7 CFR 1744 describing the types of investments REA telephone borrowers may make without prior approval of the Administrator. REA also proposes to add the procedure for the treatment of investments in rural development projects when determining a borrowers allowable distribution of capital. This proposed rule should promote economic growth in communities served by REA telephone borrowers by making available additional sources of funding for rural economic development projects.

#### Timetable:

Action	Date	FR Cite
NPRM	09/01/92	57 FR 39628
NPRM Comment Period End	11/02/92	
Final Action	05/00/93	
Final Action Effective	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA78

### 403. ● DEPRECIATION RATES AND PROCEDURES

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1767

**Legal Deadline:** None

**Abstract:** The Rural Electrification Administration proposes to add a new subpart to 7 CFR 1767 that codifies current policy on depreciation rates and



## USDA—REA

## Proposed Rule Stage

procedures. Revisions are being proposed to the existing policy that will require continuing records to be maintained on a vintage year basis, and that set forth requirements for utilizing depreciation rates that vary from those that are prescribed in this subpart. Current REA policy is set forth in Bulletin 183-1, which will be rescinded upon publication of the final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment Period End	04/00/93	
Final Action	10/00/93	
Final Action Effective	11/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA80

#### 404. ● SEISMIC SAFETY OF NEW BUILDING CONSTRUCTION

**Legal Authority:** EO 12699

**CFR Citation:** 7 CFR 1792.

**Legal Deadline:** None

**Abstract:** The Rural Electrification Administration proposes a new regulation for compliance with seismic safety requirements for new building construction using REA loans, grants, or guaranteed funds. This action is necessary to codify policies and requirements that implement Executive Order 12699 of January 5, 1990, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, and to comply with the building safety provisions of the Earthquake Hazards Reduction Act of 1977, as amended.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment Period End	03/00/93	
Final Action	09/00/93	
Final Action Effective	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA81

#### 405. ● SPECIFICATION FOR FILLED FIBER OPTIC CABLES

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1755

**Legal Deadline:** None

**Abstract:** The Rural Electrification Administration proposes to amend 7 CFR 1755.97 by rescinding Bulletin 345-90 and codifying the revised specification at 7 CFR 1755.900. The revised specification allows the use of dispersion-shifted single mode fibers, allows the use of 62.5/125 micrometer multimode fibers, includes a section on self supporting aerial fiber optic cable, and establishes end product requirements associated with the options stated above.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	
NPRM Comment Period End	06/00/93	
Final Action	10/00/93	
Final Action Effective	11/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA82

#### 406. ● SPECIFICATION FOR POLE LINE HARDWARE

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1728

**Legal Deadline:** None

**Abstract:** The Rural Electrification Administration proposes specifications

for hardware used on electric utility poles. The organization performing the secretariat function for pole line hardware has withdrawn and ceased to operate, and all existing standards will expire in five years.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment Period End	05/00/93	
Final Action	11/00/93	
Final Action Effective	12/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA83

#### 407. ● ELECTRIC SYSTEM CONSTRUCTION POLICIES AND PROCEDURES

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1726

**Legal Deadline:** None

**Abstract:** The Rural Electrification Administration proposes to allow borrowers to modify its standard forms of electric contracts by revising the provision relating to indemnification of the owner by the contractor.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	01/00/93	
Final Action	06/00/93	
Final Action Effective	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA84



**DEPARTMENT OF AGRICULTURE (USDA)**  
**Rural Electrification Administration (REA)**

**Final Rule Stage**

**408. REA FORM 525: CENTRAL OFFICE EQUIPMENT CONTRACT (INCLUDING INSTALLATION)**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq

**CFR Citation:** 7 CFR 1755.93

**Legal Deadline:** None

**Abstract:** The purpose of revising 7 CFR part 1755 is to announce a general revision of REA Contract Form 525, Central Office Equipment Contract (Including Installation).

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/89	54 FR 43429
Federal Register Correction	11/01/89	54 FR 46187
NPRM Comment Period End	12/26/89	54 FR 43429
New Proposed Rule	03/14/91	56 FR 10827
NPRM Comment Period end	05/13/91	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA20

**409. ACCOUNTING REQUIREMENTS FOR REA ELECTRIC BORROWERS**

**Significance:** Agency Priority

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1767

**Legal Deadline:** None

**Abstract:** To codify the policy and procedures currently set forth in REA Bulletin 181-1, Uniform System of Accounts Prescribed for Electric Borrowers of the Rural Electrification Administration and REA Bulletin 181-3, Accounting Interpretation for REA Electric Borrowers. In addition to codifying, revisions are being proposed to the existing policy that will update REA's accounting guidelines.

**Timetable:**

Action	Date	FR Cite
NPRM	09/17/90	55 FR 36936
NPRM Comment Period End	11/06/90	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA23

**410. WHOLESALE CONTRACTS FOR THE PURCHASE AND SALE OF ELECTRIC POWER AND ENERGY**

**Legal Authority:** 7 USC 901 et seq; PL 99-591

**CFR Citation:** 7 CFR 1717.300 to 1717.349

**Legal Deadline:** None

**Abstract:** This regulation revises REA policies and procedures relating to wholesale power contracts and requires each REA borrower to condition the effectiveness of any contract for the sale or purchase of electric energy upon the approval of the REA administrator.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/90	55 FR 38930
NPRM Comment Period End	11/20/90	
Final Action	11/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA41

**411. REA SPECIFICATION FOR FILLED TELEPHONE CABLES**

**Legal Authority:** 7 USC 1921 et seq

**CFR Citation:** 7 CFR 1755

**Legal Deadline:** None

**Abstract:** REA amends 7 CFR 1755.97, Incorporation by Reference of Telephone Standards and Specifications, by rescinding REA Bulletin 345-67, REA Specifications for Filled Telephone Cables, PE-39, and codifying the specification at 7 CFR 1755.390, REA Specifications for Filled Telephone Cables. This revised specification updates the end product performance requirements of filled cables brought about by technological advancements made during the last two years.

**Timetable:**

Action	Date	FR Cite
NPRM	09/10/91	56 FR 46132
NPRM Comment Period End	10/10/91	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA55

**412. PRE- AND POST-LOAN POLICIES AND PROCEDURES FOR GUARANTEED ELECTRIC AND TELEPHONE LOANS**

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1712; 7 CFR 1719; 7 CFR 1739; 7 CFR 1746

**Legal Deadline:** None

**Abstract:** REA is finalizing policies and procedures for a new program authorized by Section 314 of the Rural Electrification Act. It provides 90 percent guarantees for loans from private lenders.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/27/91	56 FR 42460
Final Action	01/00/93	
Final Action Effective	02/00/93	

**Small Entities Affected:** None



## USDA—REA

## Final Rule Stage

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA59

#### 413. LOAN PAYMENT DEFERMENTS FOR ECONOMIC DEVELOPMENT PROGRAMS

**Legal Authority:** 7 USC 901 et seq

**CFR Citation:** 7 CFR 1703

**Legal Deadline:** None

**Abstract:** REA proposes to establish policies, requirements, and procedures that allow electric and telephone borrowers to defer loan payments in an amount equal to an investment in a rural development project.

**Timetable:**

Action	Date	FR Cite
NPRM	06/16/92	57 FR 26782
NPRM Comment Period End	07/16/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA60

#### 414. RESCISSION OF REA BULLETINS 345-13 AND 345-29

**Legal Authority:** 7 USC 901 et seq; 7 USC 1921 et seq

**CFR Citation:** 7 CFR 1755

**Legal Deadline:** None

**Abstract:** REA withdraws and rescinds two specifications for telephone materials and equipment which are

obsolete due to innovations in technology.

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/89	54 FR 46071
NPRM Comment Period End	01/02/90	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA66

#### 415. PRE- AND POST-LOAN POLICIES AND PROCEDURES FOR GUARANTEED ELECTRIC AND TELEPHONE LOANS

**Legal Authority:** 7 USC 901 et seq; PL 99-591

**CFR Citation:** 7 CFR 1712, subparts C to D; 7 CFR 1719, subparts C to D; 7 CFR 1739, subparts C to D; 7 CFR 1746, subparts C to D

**Legal Deadline:** None

**Abstract:** This regulation will consolidate, update and clarify policies and requirements contained in various REA publications by stating requirements specific to guaranteed loans authorized under section 306 of the Rural Electrification Act. It provides 100 percent guarantees for loans from private lenders.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/91	56 FR 42496
NPRM Comment Period End	10/28/91	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA68

#### 416. DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

**Legal Authority:** 7 USC 901 et seq; 7 USC 950 aaa et seq

**CFR Citation:** 7 CFR 1703

**Legal Deadline:** None

**Abstract:** The Rural electrification proposes to add regulations which would provide grants for distance learning and medical link projects benefiting rural areas. It would provide grants to schools, hospitals, and medical centers to encourage, improve, and make affordable the use of advanced telecommunications and computer networks to provide educational and medical benefits, and to improve rural opportunities. This regulation would establish the method of project selection, funds allocation, beneficiary determination, application requirements, notification of minimum and maximum amounts of grant funds, qualification requirements for expedited telephone loan consideration.

**Timetable:**

Action	Date	FR Cite
NPRM	05/26/92	57 FR 21900
NPRM Comment Period End	06/25/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

**RIN:** 0572-AA79



**DEPARTMENT OF AGRICULTURE (USDA)**  
**Rural Electrification Administration (REA)****Completed Actions****417. RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM****Significance:** Agency Priority  
**CFR Citation:** 7 CFR 1703**Completed:**

Reason	Date	FR Cite
Final Action	09/25/92	57 FR 44313
Final Action Effective	10/26/92	

**Small Entities Affected:** None  
**Government Levels Affected:** None**Agency Contact:** F. Lamont Heppe, 202 720-9550**RIN:** 0572-AA37  
**BILLING CODE** 3410-15-F**DEPARTMENT OF AGRICULTURE (USDA)**  
**Soil Conservation Service (SCS)****Proposed Rule Stage****418. FARMLAND PROTECTION POLICY ACT****Significance:** Agency Priority  
**Legal Authority:** 7 USC 4201  
**CFR Citation:** 7 CFR 658  
**Legal Deadline:** None**Abstract:** This proposed rule amends part 658 of title 7 of the Code of Federal Regulations, which implements the Farmland Protection Policy Act (FPPA), 7 USC 4201-4209. Congress amended the FPPA through section 1255 of the Food Security Act of 1985, Pub. L. 99-198. The proposed amendments contained in this proposed rule will: (1) Remove definitions from the existing rule that restated the act; (2) remove the applicability and exemption section

that restated the Act; (3) remove the "Technical Assistance" section that restated the requirements of the Act; (4) require Federal agencies to return a copy of the "Farmland Impact Rating Form AD-1006," to USDA once the final decision is made on a proposed conversion, and inform USDA of progress in reviewing and revising their policy and procedures to protect farmland. This information will be used to make the annual report to Congress as required in the 1985 amendments to FPPA. Since the elimination of these sections of the existing rule was not included in the 1987 proposed rule, and the fact that almost 4 years have passed since the proposed rule, this proposed rule is being published for additional public comments.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** Federal  
**Public Compliance Cost:** Initial Cost: \$0; Yearly Recurring Cost: \$0; Base Year for Dollar Estimates: 1987  
**Sectors Affected:** None  
**Agency Contact:** Michael F. King, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6016 South Building, 14th & Independence Ave. SW., Washington, DC 20250, 202 447-4811  
**RIN:** 0578-AA14**DEPARTMENT OF AGRICULTURE (USDA)**  
**Soil Conservation Service (SCS)****Final Rule Stage****419. SOIL SURVEYS****Legal Authority:** 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	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Undetermined  
**Agency Contact:** Michael F. King, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6016 South Building, 14th & Independence Ave. SW., Washington, DC 20250, 202 447-4811  
**RIN:** 0578-AA00  
**BILLING CODE** 3410-90-F**DEPARTMENT OF AGRICULTURE (USDA)**  
**Office of Operations (OO)****Proposed Rule Stage****420. AGRICULTURE ACQUISITION REGULATION****Legal Authority:** 5 USC 301; 40 USC 486(c)**CFR Citation:** 48 CFR 401 to 453 (Revision)**Legal Deadline:** None**Abstract:** This rule anticipates miscellaneous changes to the

Department of Agriculture Acquisition Regulation.



## USDA—OO

## Proposed Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	02/00/93	
Final Action	04/00/93	
Final Action Effective	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Sectors Affected:** Multiple

**Procurement:** This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a

paperwork burden associated with this action.

**Agency Contact:** Larry Schreier, Procurement Analyst, Department of Agriculture, Office of Operations, Rm 1550 South Building, Washington, DC 20250, 202 720-8924

**RIN:** 0599-AA00

## DEPARTMENT OF AGRICULTURE (USDA)

## Final Rule Stage

## Office of Operations (OO)

## 421. NEW RESTRICTIONS ON LOBBYING

**Significance:** Regulatory Program

**Legal Authority:** 5 USC 301; 31 USC 1352

**CFR Citation:** 7 CFR 3018

**Legal Deadline:** None

**Abstract:** Prescribes USDA policy and procedures for compliance with section 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 USC 1352). Imposes restrictions and disclosure requirements on payments to persons for influencing activities in connection with contracts (excluding contracts subject to the Federal Acquisition Regulation), grants, cooperative agreements, loans, or commitments to insure or guarantee loans.

## Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Joseph J. Daragan, Procurement Analyst, Department of Agriculture, Office of Operations, Rm 1550 South Building, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-5729

**RIN:** 0599-AA01

## 422. ● VENDING FACILITIES OPERATED BY BLIND PERSONS IN USDA-CONTROLLED BUILDINGS

**Legal Authority:** 20 USC 107

**CFR Citation:** 7 CFR 1.91 to 1.94

**Legal Deadline:** None

**Abstract:** This subpart prescribes policies and procedures governing the installation of vending machines to be operated by licensed blind persons on premises under the control of the Department of Agriculture in accordance with the policy and purpose

of the Randolph-Sheppard Vending Stand Act, as amended.

## Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Sectors Affected:** 581 Eating and Drinking Places; 541 Grocery Stores

**Additional Information:** This change is proposed to bring 7 CFR 1.91, 1.92, 1.93, and 1.94 up to date and into compliance with changes made to Randolph-Sheppard by P.L. 93-516, P.L. 93-651, P.L. 96-88 and policy changes in the Department of Agriculture.

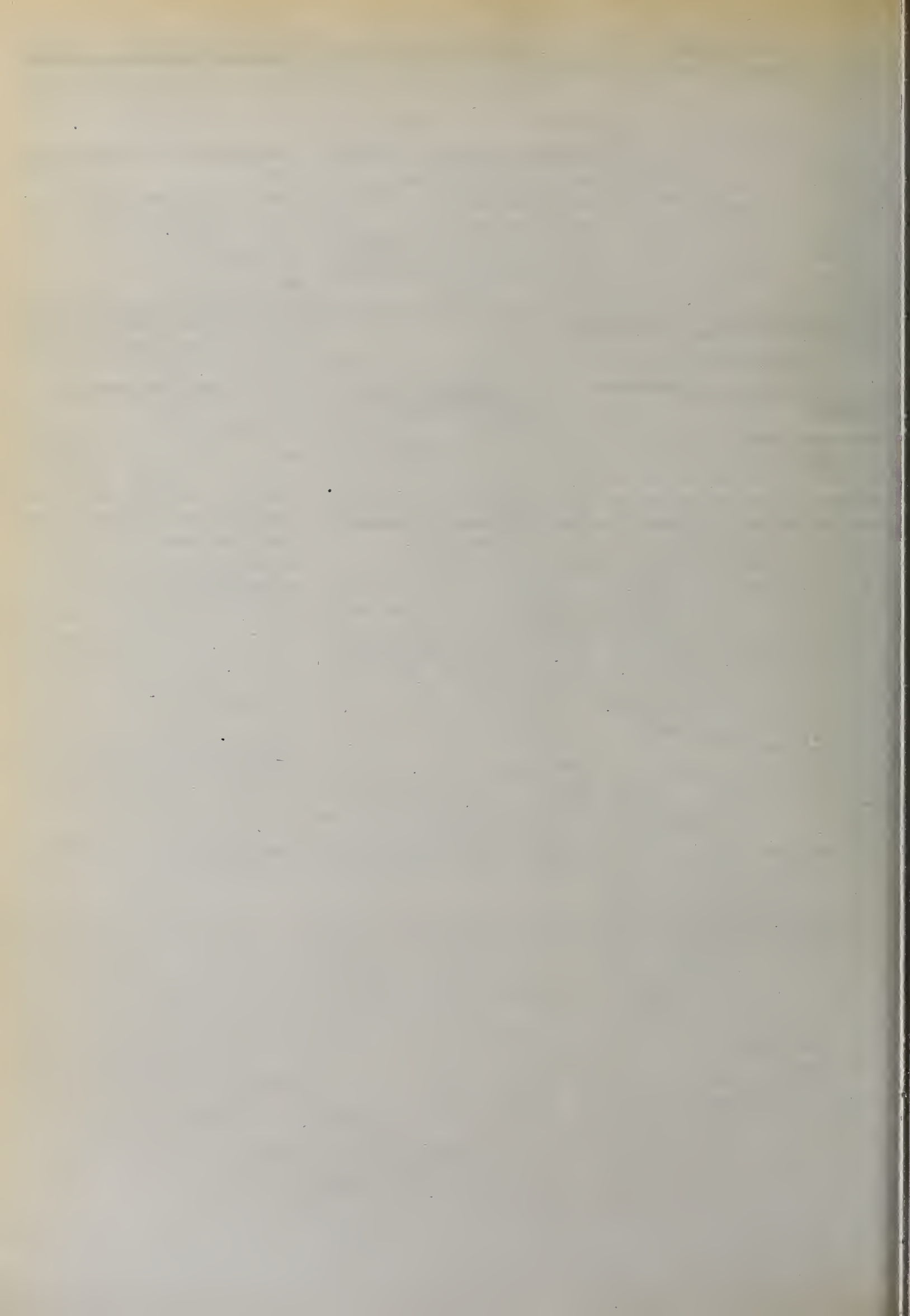
**Agency Contact:** William Kiley, Realty Specialist, Real Property Management Division, Department of Agriculture, Office of Operations, 14th and Independence Ave. SW., Washington, DC 20250, 202 720-5225

**RIN:** 0599-AA02

[FR Doc. 92-22387 Filed 11-02-92; 8:45 am]

BILLING CODE 3410-90-F

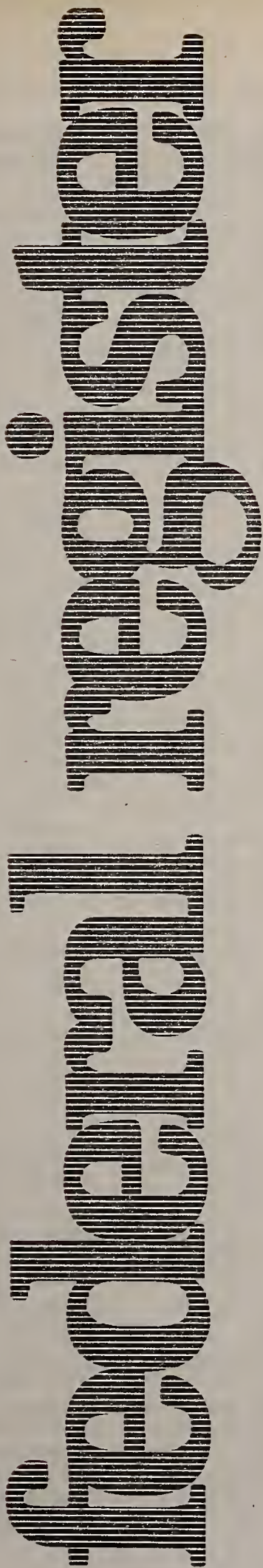






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**Tuesday  
November 3, 1992**



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**Part IV**

**Department of  
Commerce**

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**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, II, III, VII, VIII, IX, XI

## 19 CFR Ch. III

## 37 CFR Chs. I, IV, and V

## 48 CFR Ch. 13

## 50 CFR Chs. II, III, and VI

## Semiannual Agenda of Regulations

**AGENCY:** Office of the Secretary, Commerce.

**ACTION:** October 1992 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, 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 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the April 1992 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.

The Department's October 1992 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 1992, through September 30, 1993.

**FOR FURTHER INFORMATION CONTACT:**

*Specific:* For additional information about specific regulatory actions 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: 202-482-0846.

**SUPPLEMENTARY INFORMATION: E.O.**

12291 requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this order. By memorandum of June 11, 1992, the Office of Management and Budget (OMB) issued guidelines and procedures for the preparation and publication of the October 1992 Unified Agenda of Federal Regulations. E.O. 12291 and the OMB guidelines require that each agency's agenda report the following information on nonexempt regulatory activities being conducted or planned to be conducted by the agency during the 12-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 action is expected to have a significant economic impact on a substantial number of small entities and whether it will affect levels of government; 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. In addition, OMB requires that procurement-related regulatory actions include additional information on all actions that are covered by section 22 of the Office of Federal Procurement Policy Act Amendments of 1988. This information will be used by the Office of Federal Procurement Policy in preparing the "Procurement Regulatory Activity Report."

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 Economic Development Administration, the Bureau of Export Administration, the International Trade Administration, the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), and the Patent and Trademark Office, issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS) issued by NIST under Public Law 100-235. 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, NIST 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 State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries which require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted.



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Foreign fishing can be conducted in a fishery for which there is no FMP only if a preliminary fishery 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 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 October 1992 regulatory agenda follows.

Dated: August 19, 1992.

Lynn West,  
Deputy General Counsel.

Office of the Secretary—Proposed Rule Stage

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423	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System.....	0690-AA08
424	Source Evaluation Procedures and Miscellaneous Revisions to the Commerce Acquisition Regulation.....	0690-AA13
425	Modify Requirement in the Commerce Acquisition Regulation To Publish Presolicitation Notices in the Commerce Business Daily for DOC Procurements Which Will Be Performed in Foreign Countries.....	0690-AA18
426	Modify the Commerce Acquisition Regulation To Use a Deviation Version of a Federal Acquisition Regulation Clause on the Buy American Trade Agreement Acts.....	0690-AA19

Bureau of Economic Analysis—Proposed Rule Stage

Se-quence Number	Title	Regulation Identifier Number
427	Benchmark Survey of Foreign Direct Investment in the United States—1992.....	0691-AA18
428	Change in Reporting Requirements for BE-22, Annual Survey of Selected Services Transactions With Unaffiliated Foreign Persons.....	0691-AA19
429	Change in Reporting Requirements for Foreign-Owned Banks Reporting on Quarterly Report Forms BE-605 and BE-606B.....	0691-AA20
430	Change in Long-Form Exemption Level for BE-15, Annual Survey of Foreign Direct Investment in the United States..	0691-AA21

Bureau of the Census—Proposed Rule Stage

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431	Revision of Foreign Trade Statistics Regulations.....	0607-AA10
432	Requirement That Shipper's Export Declarations (SEDs) for Shipments From the United States to Puerto Rico Be Collected in Puerto Rico.....	0607-AA15
433	Change in the Definition of "General Use" Software from Technical Data to Commodity.....	0607-AA16

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Se-quence Number	Title	Regulation Identifier Number
434	Review of Regulations for Economic Development Administration—Department of Commerce.....	0610-AA47
435	Special Economic Development and Adjustment Assistance Grants.....	0610-AA48



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Se- quence Number	Title	Regulation Identifier Number
436	General Requirements for Financial Assistance—Design, Construction of Buildings To Accommodate the Physically Handicapped .....	0610-AA05
437	General Requirements for Financial Assistance: Employment of Expeditors or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants.....	0610-AA18
438	Protection of EDA's Interest in Facilities Acquired, Built, or Improved With EDA Grant Funds.....	0610-AA35
439	Economic Development Districts, District Organization; Civil Rights Requirements.....	0610-AA38
440	Public Works—Industrial Parks and Sites.....	0610-AA40
441	General Requirements for Financial Assistance—Electric and Gas Facilities.....	0610-AA43
442	Overall Economic Development Program—Progress Report .....	0610-AA44
443	Public Works and Development Facilities Program - Specific Types of Projects - Skill Training Center Facilities.....	0610-AA51

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444	Nonprocurement Debarment and Suspension.....	0605-AA02
445	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.....	0605-AA04

## General Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
446	New Restrictions on Lobbying .....	0605-AA06

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447	Audit Requirements for Institutions of Higher Education and Other Nonprofit Organizations .....	0605-AA07

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Se- quence Number	Title	Regulation Identifier Number
448	Antidumping Duties .....	0625-AA29
449	Antidumping Duties; Methodology for Assessment Instructions.....	0625-AA36

## International Trade Administration—Proposed Rule Stage

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450	Countervailing Duties .....	0625-AA31



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452	Short Supply Procedures for ITA.....	0625-AA34
453	Antidumping and Countervailing Duties; Significant Ministerial Errors.....	0625-AA35

## Bureau of Export Administration—Final Rule Stage

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455	Defense Priorities and Allocations System (DPAS).....	0694-AA02
456	Exports From Abroad of Foreign Products Incorporating U.S.-Origin Parts and Components.....	0694-AA06
457	General License GFW.....	0694-AA07
458	Revision of Foreign Boycott Provisions of Export Administration Regulations.....	0694-AA11
459	Elimination of Controls on Exports to and Reexports From COCOM Member Countries.....	0694-AA13
460	Shipper's Export Declaration: Combining General License and Validated License on the Same SED.....	0694-AA14
461	Revision of General License GIFT.....	0694-AA26
462	Change in Reporting Requirements for the Special Licenses.....	0694-AA27
463	Elimination of Submission Requirement for Certain Supporting Documents.....	0694-AA28
464	Conversion to the Metric System.....	0694-AA50
465	Implementation of COCOM Core List.....	0694-AA51
466	Transfer of Dual Use Items From U.S. Munitions List to Commodity Control List.....	0694-AA52
467	Expansion of Foreign Policy Controls on Chemical Weapon Precursors.....	0694-AA53
468	Imposition and Expansion of Foreign Policy Controls (Megareg).....	0694-AA54
469	Imposition of Foreign Policy Controls on Equipment and Technical Data Related to the Production of Chemical and Biological Weapons.....	0694-AA55
470	Revisions to the Commodity Control List: Changes in Nuclear Nonproliferation Controls.....	0694-AA56
471	Revisions to the Distribution License Procedure.....	0694-AA60

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472	Expansion and Imposition of Foreign Policy Controls on Chemical Weapon Precursors.....	0694-AA32
473	Exports to Cambodia and Laos; Country Group Y.....	0694-AA58
474	Exports to Hong Kong and New Zealand.....	0694-AA59

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476	FIPS for IRDS Export/Import File Format.....	0693-AA76
477	FIPS for Digital Signature Standard.....	0693-AA86
478	Fastener Quality.....	0693-AA90
479	FIPS for Automated Password Generator.....	0693-AA94
480	Proposed Revision of FIPS 71-1, Advanced Data Communication Control Procedures (ADCCP).....	0693-AA98
481	Proposed FIPS for Standard Security Label Format for GOSIP.....	0693-AA99
482	Procedures for Registering Computer Security Objects.....	0693-AB02
483	Proposed Revision of FIPS 127-1, Database Language SQL.....	0693-AB05
484	FIPS for Video Teleconferencing Services at 56 to 1,920 Kb/s.....	0693-AB06
485	FIPS for IDEF (ICAM (Integrated Computer Assisted Computer Manufacturing) Definition) Modeling Techniques.....	0693-AB07
486	Proposed Reaffirmation of FIPS 46-1, Data Encryption Standard (DES).....	0693-AB09



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National Institute of Standards & Technology—Proposed Rule Stage—Continued

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487	Proposed Revision of FIPS 158, the User Interface Component of the Applications Portability Profile .....	0693-AB10

National Institute of Standards & Technology—Final Rule Stage

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488	FIPS for Document Application Profile (DAP) for the Office Document Architecture (ODA) and Interchange Format Standard .....	0693-AA67
489	Revision of FIPS 140, General Security Requirements for Equipment Using the Data Encryption Standard .....	0693-AA68
490	FIPS for POSIX Shell and Utility Application Interface for Computer Operating Systems Environments .....	0693-AA70
491	FIPS for Government Network Management Profile .....	0693-AA85
492	FIPS for Initial Graphics Exchange Specification (IGES) .....	0693-AA88
493	Revision of FIPS 128, Computer Graphics Metafile (CGM) .....	0693-AA93
494	Proposed FIPS for ISDN .....	0693-AA96
495	Proposed FIPS for Secure Hash Standard .....	0693-AA97
496	Proposed Revision of FIPS 125, MUMPS .....	0693-AB00
497	Proposed Revision of FIPS 151-1, POSIX .....	0693-AB01
498	FIPS for Standard Page Description Language .....	0693-AB03

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499	FIPS for Spatial Data Transfer Standard .....	0693-AA73
500	FIPS for Fiber Distributed Data Interface (FDDI) .....	0693-AA74
501	FIPS for Open Systems Interconnection (OSI) Transport Layer Security Protocol (SP4) .....	0693-AA75
502	FIPS 171, Key Management Using ANSI X9.17 .....	0693-AA87
503	Fastener Quality .....	0693-AA92
504	FIPS 172, VHDL .....	0693-AA95
505	Three FIPS for Telecommunications Wiring .....	0693-AB04

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506	U.S. Standards for Grades of Fresh and Frozen Fish Fillets .....	0648-AD53
507	Use of Information Collected by Voluntary Fishery Data Collectors in Enforcement Proceedings .....	0648-AE40
508	Proposed Regulations for the Key Largo National Marine Sanctuary .....	0648-AA33
509	Proposed Regulations for the Looe Key National Marine Sanctuary .....	0648-AB64
510	Proposed Regulations for the Florida Keys National Marine Sanctuary .....	0648-AD85
511	Licensing of Private Remote-Sensing Space Systems .....	0648-AC64

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512	Policy To Require Observers To Be Carried on Domestic Fishing Vessels .....	0648-AC45
513	Scientific Research—Domestic and Foreign Fishing .....	0648-AC61
514	Amendment 4 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery .....	0648-AC99



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515	Revised Regulations Governing Permits for the Taking and Importing of Marine Mammals for Scientific Research and Public Display .....	0648-AD11
516	Amendment 15 to the Fishery Management Plan for the Bering Sea and Aleutian Islands and Amendment 20 to the FMP for Groundfish of the Gulf of Alaska .....	0648-AD19
517	Regulations Governing the Take of Dolphins Incidental to Removing Oil and Gas Platforms in the Gulf of Mexico .....	0648-AD25
518	Approaching Marine Mammals .....	0648-AD30
519	Amendment 5 to the Fishery Management Plan for the Northeast Multispecies Fishery .....	0648-AD33
520	Procedure for Setting Quotas on Removal of Atlantic Bottlenose Dolphins From the Waters of the Gulf of Mexico and Florida's East Coast .....	0648-AD39
521	Groundfish of the Gulf of Alaska and Groundfish of the Bering Sea and Aleutian Islands Management Areas; Regulatory Amendment— Standard Product Recovery Rates for Groundfish .....	0648-AD44
522	Amendment 18 to the Fishery Management Plan for the Bering Sea and Aleutian Islands and Amendment 23 to the FMP for Groundfish of the Gulf of Alaska .....	0648-AD50
523	Regulatory Amendment To Establish North Pacific Fisheries Research Plan; Fees for Domestic Observers .....	0648-AD80
524	Fishery Management Plan for the Shrimp Fishery of the South Atlantic .....	0648-AD86
525	Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands .....	0648-AD91
526	Certificate of Legal Origin for Anadromous Fish Products .....	0648-AD93
527	Regulatory Amendment To Implement a Comprehensive Data Collection Program for U.S. Fishing Vessels and Certain Harvesting Vessels for the Pacific Coast Groundfish Fishery .....	0648-AE01
528	Amendment 11 to the FMP for Commercial and Recreational Salmon Fisheries off the Coast of Washington, Oregon, and California .....	0648-AE05
529	Nontrawl Sablefish Season Regulatory Amendment Under the Pacific Coast Groundfish FMP .....	0648-AE07
530	Secretarial Amendment to the FMP for Atlantic Swordfish .....	0648-AE09
531	Amendment 5 to the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region .....	0648-AE20
532	Amendment 6 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic .....	0648-AE23
533	Regulatory Amendment Prohibiting Landing of Surf Clams and Ocean Quahogs on the Same Trip and Requiring Trip Notification .....	0648-AE27
534	Amendment 7 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region .....	0648-AE35
535	General Provisions for Domestic Fisheries .....	0648-AE39
536	Fishery Management Plan for Corals and Associated Invertebrates of Puerto Rico and the U.S. Virgin Islands .....	0648-AE47
537	Amendment 8 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region .....	0648-AE48
538	Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico .....	0648-AE49
539	Fishery Management Plan for Atlantic Herring .....	0648-AE50
540	Amendment 6 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic .....	0648-AE51
541	Amendment 7 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic .....	0648-AE52
542	Amendment 2 to the Fishery Management Plan for Shallow-Water Reef Fish of Puerto Rico and the U.S. Virgin Islands .....	0648-AE53
543	Sea Turtle Conservation Measures for the Summer Flounder Fishery .....	0648-AE54
544	Pacific Whiting Allocation Regulatory Amendment for 1993 .....	0648-AE55
545	Regulatory Amendment for Red Snapper Management in 1993 Under the Gulf of Mexico Reef Fish Fishery Management Plan .....	0648-AE57
546	Amendment 5 to the Gulf of Mexico Reef Fish Fishery Management Plan .....	0648-AE58
547	Moratorium on Entry Into Groundfish Fisheries of the Gulf of Alaska and Bering Sea and Aleutian Islands .....	0648-AE62
548	Groundfish of the Gulf of Alaska and Groundfish of the Bering Sea and Aleutian Islands; Regulatory Amendment to Revise Requirements for Reporting and Recordkeeping .....	0648-AE63
549	Sablefish Allocation Regulatory Amendment for 1993 .....	0648-AE64
550	Pacific Whiting Season Regulatory Amendment for 1993 .....	0648-AE65
551	Seafood Inspection .....	0648-AE76
552	Sea Turtle Monitoring and Conservation Measures for Nonshrimp Trawlers .....	0648-AE77
553	Regulatory Amendment on Interactive Communications in the Groundfish Fisheries of the GOA and BSAI .....	0648-AE78
554	Regulatory Amendment for Groundfish of the GOA and BSAI to Provide an Analysis of the Sitka Block Proposal .....	0648-AE79
555	Regulatory Amendment to the FMP for Groundfish of the BSAI to Incorporate Community Development Quota Criteria .....	0648-AE80
556	Regulatory Amendment to Define Pelagic Trawl in the Alaska Groundfish Fisheries .....	0648-AE81
557	Total Allowable Catch (TAC) Determination for Atlantic Swordfish for 1993 .....	0648-AE82
558	Atlantic Bluefin Tuna Permit and Reporting Requirements, Certificate of Origin Requirements and Other Regulatory Provisions .....	0648-AE83
559	Regulatory Amendment for Mutton Snapper In the Gulf of Mexico .....	0648-AE84
560	Regulatory Amendment to Trawl and Fixed Gear Provisions in the Pacific Coast Groundfish Fishery .....	0648-AE85
561	Foreign Fishing Poundage and Permit Fees for 1993 .....	0648-AE86
562	Regulatory Amendment to the Fishery Management Plan for American Lobster .....	0648-AE87
563	Amendment 26a to the FMP for Groundfish of the GOA .....	0648-AE88



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564	Regulatory Amendment to Add South Carolina SMZs Under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic .....	0648-AE89
565	Amendment 26 to the FMP for Groundfish of the GOA.....	0648-AE90
566	Regulatory Amendment to the FMP for the Snapper-Grouper Fishery of the South Atlantic to Allow Multiple Gears....	0648-AE91
567	Amendment 7 to the Pacific Coast Groundfish Fishery Management Plan.....	0648-AE93
568	Regulatory Amendment to Require Vessel Operators and Relief Operators With Mau Zone Bottomfishing Permits to Attend a Protected Species Workshop .....	0648-AE94
569	Regulatory Amendment Requiring Completion and Submission of Logbooks by Federally Permitted Vessel Operators in the Northwestern Hawaiian Islands Bottomfish Fishery.....	0648-AE95
570	Amendment 3 to the Fishery Management Plan for the Summer Flounder Fishery.....	0648-AE96
571	Regulatory Amendment to Establish "Hot Spot" Closures for Salmon in the BSAI.....	0648-AE97
572	Amendment 7 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic.....	0648-AE98
573	Amendment 7 to the Northern Anchovy Fishery Management Plan .....	0648-AE99
574	Regulatory Amendment to Require Offloading of Prohibited Species Caught Seaward of the EEZ; Groundfish Fisheries of the GOA and BSAI.....	0648-AF00
575	Amendment 5 to the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish.....	0648-AF01
576	Regulatory Amendment to Prohibit Bottom Trawling Adjacent to the Pribilof Islands.....	0648-AF02
577	Regulatory Amendment to Prohibit Landing of Undersized Pacific Halibut in the United States .....	0648-AF03
578	Amendment 22 to the FMP for Groundfish of the BSAI and Amendment 27 to the FMP for Groundfish of the GOA....	0648-AF04
579	Regulatory Amendment to the FMP for Groundfish of the GOA and the FMP for Groundfish of the BSAI to Reduce Halibut Bycatch Mortality in the Hook-and-Line Fisheries.....	0648-AF05
580	Designated Critical Habitat for Eastern Seaboard Northern Right Whale ( <i>Eubalaena Glacialis</i> ) .....	0648-AF06
581	Taking and Importing of Marine Mammals; Dolphin Mortality Limits During Purse Seine Sets on Marine Mammals in the Eastern Tropical Pacific .....	0648-AF07
582	Taking of Ringed Seals Incidental to On-Ice Seismic Activities .....	0648-AF10
583	Regulatory Amendment Requiring Marking of Longline Gear Under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region.....	0648-AF12
584	Regulatory Amendment to the FMP for Groundfish of the BSAI to Delay the Pollock Non-Roe Season .....	0648-AF13
585	Regulatory Amendment to Define Legal Gear Types in the Groundfish Fisheries of the GOA and BSAI.....	0648-AF15
586	Regulatory Amendment to Establish Product Recovery Rates for Pollock Roe-Stripping in the Alaska Groundfish Fisheries .....	0648-AF16
587	Regulatory Amendment to Allocate Inshore/Offshore and Community Development Quotas in the Alaska Groundfish Fisheries.....	0648-AF17
588	Designation of Critical Habitat for Snake River Sockeye Salmon, Snake River Spring/Summer Chinook Salmon, and Snake River Fall Chinook Salmon.....	0648-AF19
589	Proposed Regulations for the Fagatele Bay National Marine Sanctuary .....	0648-AA74
590	Proposed Regulations for the Channel Islands National Marine Sanctuary .....	0648-AC03
591	Proposed Regulations for the Gulf of the Farallones National Marine Sanctuary .....	0648-AC05
592	The Monitor National Marine Sanctuary .....	0648-AC78
593	Proposed Regulations for the Northwest Straits National Marine Sanctuary .....	0648-AC91
594	Proposed Regulations for the Norfolk Canyon National Marine Sanctuary .....	0648-AC92
595	Thunder Bay National Marine Sanctuary.....	0648-AE41
596	Grays Reef National Marine Sanctuary .....	0648-AE42
597	Natural Resource Damage Assessment and Restoration Regulations .....	0648-AE13
598	Modernization of the National Weather Service .....	0648-AE73
599	Regional Marine Research Program .....	0648-AF20

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600	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
601	U.S. General Standards for Grades of Shrimp .....	0648-AA47
602	Endangered Fish and Wildlife; Approaching Humpback Whales In Hawaiian Waters.....	0648-AB79
603	Interim Exemption Governing the Incidental Taking of Marine Mammals During Commercial Fishing Operations.....	0648-AC65
604	Fishermen's Protective Act .....	0648-AC73
605	Depletion of the Coastal-Migratory Stock of Bottlenose Dolphins in the U.S. Mid-Atlantic.....	0648-AD02
606	Performance Standards for Tuna Vessel Operators.....	0648-AD03



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608	Secretarial Fishery Management Plan for Sharks of the Atlantic Ocean.....	0648-AD12
609	Amendment 16 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands and Amendment 21 to the FMP for Groundfish of the Gulf of Alaska.....	0648-AD18
610	Regulatory Amendment - U.S. Nationals Fishing in Russian Fisheries.....	0648-AD29
611	Foreign Fishing, Health and Safety Standards.....	0648-AD35
612	Amendment 6 to the Pacific Coast Groundfish Fishery Management Plan.....	0648-AD63
613	Taking and Importing of Marine Mammals; Purse Seine Sets on Marine Mammals in the Eastern Tropical Pacific.....	0648-AD69
614	Amendment 24 to the FMP for Groundfish of the Gulf of Alaska and Amendment 19 to the FMP for Groundfish of the Bering Sea and Aleutian Islands.....	0648-AD76
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616	U.S. Standards for Grades of Frozen Fish Portions.....	0648-AD82
617	Sea Turtle Conservation; Shrimp Trawling Requirements.....	0648-AE12
618	Regulatory Amendment—South Pacific Tuna Fisheries.....	0648-AE18
619	Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery.....	0648-AE21
620	Amendment 6 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region.....	0648-AE36
621	Regulatory Amendment Implementing the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic.....	0648-AE61
622	U.S. Standards for Grades of Whole or Dressed Fish.....	0648-AE69
623	U.S. Standards for Grades of North American Freshwater Catfish and Products Made Therefrom.....	0648-AE70
624	U.S. Standards for Grades of Fish Fillets.....	0648-AE71
625	Process for the Management of Atlantic Ocean Highly Migratory Species.....	0648-AE72
626	Taking and Importing of Marine Mammals; "Dolphin Safe" Tuna Labeling.....	0648-AF08
627	Proposal to Remove the California Graywhale From the Endangered Species Act's List of Endangered and Threatened Species.....	0648-AF09
628	Proposed Regulations for the National Estuarine Reserve Research Program.....	0648-AB68
629	Final Regulations for the Olympic Coast National Marine Sanctuary.....	0648-AC93
630	Proposed Regulations for the Stellwagen Bank National Marine Sanctuary.....	0648-AC94
631	Implementation of Coastal Zone Management Act Appeal Fees.....	0648-AD83
632	Technical Conforming Changes to Existing NOAA Regulations To Implement 1990 Reauthorization of the Coastal Zone Management Act.....	0648-AE11
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635	Groundfish of the Gulf of Alaska: Regulatory Amendment—Apportionment of the Prohibited Species Catch of Halibut Among Hook-and-Line Fisheries.....	0648-AD67
636	Regulatory Amendment for Hook-and-Line PSC and Time-and-Area Closures.....	0648-AD79
637	Foreign Fishing Pounds and Permit Fees for 1992.....	0648-AD89
638	Black Rockfish Regulatory Amendment Under the Pacific Coast Groundfish FMP.....	0648-AE08
639	Roller Trawl Minimum Mesh Regulatory Amendment Under the Pacific Coast Groundfish Fishery Management Plan..	0648-AE10
640	Eliminate the Option of Extending Fur Seal Subsistence Harvest Past August 8.....	0648-AE16
641	Amendment 4 to the Gulf of Mexico Reef Fish Fishery Management Plan.....	0648-AE25
642	Regulatory Amendment to Increase 1992 Commercial Quota for Shallow-Water Groupers Under the Gulf of Mexico Reef Fish FMP.....	0648-AE28
643	Pacific Halibut Regulations for 1992.....	0648-AE29
644	Amendment to Guidelines for Fishery Management Plans—Guidelines for the Use of Terms for Commercial, Marine Recreational, and Subsistence Fishing/Fisherman.....	0648-AE30
645	Pacific Halibut Catch-Sharing Plan.....	0648-AE31
646	Financial Aid Program Procedures.....	0648-AE38
647	Regulatory Amendment to Regulations Governing Processed Fishery Products—Fee for Inauguration of Inspection Service on a Contract.....	0648-AE43
648	Bering Sea and Aleutian Islands Area FMP Amendment 20 and Gulf of Alaska FMP Amendment 25 (Protect Steller Sea Lions).....	0648-AE45
649	Delay 1992 Alaska Groundfish Trawl Fisheries Until Steller Sea Lion Protection Measures Are Implemented.....	0648-AE46
650	Pacific Whiting Allocation for 1992.....	0648-AE56



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653	Regulation to Implement ICCAT Recommendations and Address Other Management Measures for the 1992 Atlantic Bluefin Tuna Fishery.....	0648-AE66
654	TAC Determination for Atlantic Swordfish for 1992.....	0648-AE67
655	Reduction of Main Hawaiian Islands Longline Area Closures.....	0648-AE74
656	Regulatory Amendment to Extend for 6 Years the Moratorium on Fishing in the Hancock Seamount Fishery.....	0648-AE92
657	Interpretive Rule to Define Length Overall for Vessels in the Groundfish Fisheries of the GOA and BSAI.....	0648-AF14
658	Interpretive Rule to Define Miles in Regulations Implementing the FMPs for Groundfish Fisheries of the GOA and BSAI.....	0648-AF18
659	Final Regulations for the Monterey Bay National Marine Sanctuary.....	0648-AC63
660	Regulation Implementing 1990 Amendments to Section 315 of the Coastal Zone Management Act.....	0648-AC90
661	Regulations Implementing 1990 Reauthorization of the Coastal Zone Management Act.....	0648-AD09
662	Implement Amendment 3 to the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico.....	0648-AE75

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664	Revision of Patent and Trademark Fees.....	0651-AA61

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667	Trademark Procedures.....	0651-AA46
668	Registration of Attorneys and Agents.....	0651-AA48
669	Patent Term Extension Application Requirements.....	0651-AA52
670	Changes in Signature and Filing Requirements for Papers Filed in the Patent and Trademark Office.....	0651-AA55
671	Changes in Revival of Patent Applications and Reinstatement of Patents.....	0651-AA57
672	Changes in Computer Program Listings Filed in Patent Applications.....	0651-AA58
673	Office of Enrollment and Discipline Investigation Procedures.....	0651-AA60
674	Procedures for Amending Patent Applications.....	0651-AA62

Patent and Trademark Office—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
675	Variety Denomination Requirements for Plant Patent Applications.....	0651-AA12
676	Application Processing Under the Patent Cooperation Treaty.....	0651-AA51
677	Patent Interference Practice.....	0651-AA53
678	Changes in Practice Relating to Filing Patent Applications.....	0651-AA59



DOC

Patent and Trademark Office—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
679	Patent and Trademark Assignment Rules.....	0651-AA43
680	Revision of Patent and Trademark Fees.....	0651-AA54

Technology Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
681	Licensing of Government-Owned Inventions.....	0692-AA04
682	Administration of a Uniform Patent Policy With Respect to Domestic Rights in Inventions Made by Government Employees.....	0692-AA05
683	Transfer of Federally Funded Information.....	0692-AA12

Technology Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
684	Marking of Toy Look-Alike and Imitation Firearms.....	0692-AA11

DEPARTMENT OF COMMERCE (DOC)  
Office of the Secretary (OS)

Proposed Rule Stage

**423. 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 1301 to 1353

**Legal Deadline:** None

**Abstract:** The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned departmentwide 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.

**Timetable:**

Action	Date	FR Cite
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**Next Action:** Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Robert A. Welch, Director for Procurement, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue NW., Washington, DC 20230, 202 482-2773

**RIN:** 0690-AA08

**424. SOURCE EVALUATION PROCEDURES AND MISCELLANEOUS REVISIONS TO THE COMMERCE ACQUISITION REGULATION**

**Legal Authority:** 41 USC 251 et seq

**CFR Citation:** 48 CFR 1301 to 1353

**Legal Deadline:** None

**Abstract:** The proposed amendment will revise the CAR to incorporate references to the Department's Acquisition Manual chapter on formal source selection procedures and will also add agency procedures in those areas of the CAR where the FAR specifies that agency procedures are required. In addition, the proposed amendment will update the CAR to conform with the latest policies and procedures of the FAR.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined



DOC—OS

Proposed Rule Stage

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Robert A. Welch, Director for Procurement, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue NW., Washington, DC 20230, 202 482-2773

**RIN:** 0690-AA13

**425. MODIFY REQUIREMENT IN THE COMMERCE ACQUISITION REGULATION TO PUBLISH PRESOLICITATION NOTICES IN THE COMMERCE BUSINESS DAILY FOR DOC PROCUREMENTS WHICH WILL BE PERFORMED IN FOREIGN COUNTRIES**

**Legal Authority:** 41 USC 251 et seq  
**CFR Citation:** 48 CFR 1305

**Legal Deadline:** None

**Abstract:** Revise the Commerce Acquisition Regulation, part 5 to reflect class deviation that presolicitation Commerce Business Daily notices are not required for foreign procurements. The current procedures are burdensome and delay the procurements needlessly. Most of the potential sources are foreign firms and publishing the presolicitation notices does not achieve government goals of increasing competition among U.S. firms. The revised regulation will require notices

to be provided if there are a significant number of U.S. firms doing business in the location and these firms are able to provide the required supplies or services.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None  
**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Robert A. Welch, Director for Procurement, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue NW., Washington, DC 20230, 202 482-2773

**RIN:** 0690-AA18

**426. MODIFY THE COMMERCE ACQUISITION REGULATION TO USE A DEVIATION VERSION OF A FEDERAL ACQUISITION REGULATION CLAUSE ON THE BUY AMERICAN TRADE AGREEMENT ACTS**

**Legal Authority:** 41 USC 251 et seq  
**CFR Citation:** 48 CFR 1325; 48 CFR 1352

**Legal Deadline:** None

**Abstract:** Revise the Commerce Acquisition Regulation to authorize the

use of a contract clause which deviates from the FAR Clause at 52.225-9 "Buy American Act-Trade Agreements Act-Balance of Payments Program" and the provision at 52.225-7 "Buy American Act-Trade Agreement Act-Balance of Payment Program Certificate." The revision will permit the case of a provision and clause which does not give U.S. firms a disadvantage against foreign firms. Recently the FAR provision and clause were found to be in violation of the Trade Agreement Act. The proposed CAR Regulation will remain in effect only until the FAR is revised to correct this problem. The rule is in accord with the governmentwide policies established by the Office of Federal Procurement Policy.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None  
**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Robert A. Welch, Director for Procurement, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue NW., Washington, DC 20230, 202 482-2773

**RIN:** 0690-AA19

**DEPARTMENT OF COMMERCE (DOC)**

Proposed Rule Stage

**Bureau of Economic Analysis (BEA)**

**427. BENCHMARK SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES—1992**

**Legal Authority:** 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

**CFR Citation:** 15 CFR 808

**Legal Deadline:** Other, Statutory, January 1993.

It is a statutory requirement that a benchmark survey covering 1992 be conducted. Efficient conduct of that survey requires final rules be effective in January 1993.

**Abstract:** This action will amend existing rule 15 CFR 806.17 to provide for the conduct of the BE-12, Benchmark Survey of Foreign Direct Investment in the United States -- 1992, as required in the International Investment and Trade in Services Survey Act, 22 USC 3101 to 3108 (see especially section 4(b) of the Act). The existing rule covers a similar survey for 1987 which has been completed and which the new survey will update. The proposed rule raises the exemption level for reporting on the long form to \$50 million, from \$20 million in the 1987 survey. Also, a

separate report form for foreign-owned U.S. banks is added, to clarify reporting requirements and reduce the need for follow-up contact.

**Timetable:**

Action	Date	FR Cite
NPRM	09/18/92	57 FR 43158
NPRM Comment Period End	11/02/92	
Final Action	12/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** None



DOC—BEA

Proposed Rule Stage

**Agency Contact:** Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street NW., Room 1008, Tower Building, Washington, DC 20230, 202 523-0659

**RIN:** 0691-AA18

**428. CHANGE IN REPORTING REQUIREMENTS FOR BE-22, ANNUAL SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED 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 will amend existing rule 15 CFR 801.9(b)(6) to bring reporting on the BE-22, Annual Survey of Selected Services Transactions With Unaffiliated Foreign Persons, into conformity with reporting requirements on the 1991 BE-20, Benchmark Survey of Selected Services Transactions With Unaffiliated Foreign Persons, to drop coverage of certain small types of services, and to add coverage of purchases of certain financial services by U.S. firms that are not financial service intermediaries. The BE-22 is the annual follow-on survey that updates the quinquennial BE-20.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/92	57 FR 38635
NPRM Comment Period End	10/13/92	
Final Action	11/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street NW., Room 1008, Tower Building, Washington, DC 20230, 202 523-0659

**RIN:** 0691-AA19

**429. CHANGE IN REPORTING REQUIREMENTS FOR FOREIGN-OWNED BANKS REPORTING ON QUARTERLY REPORT FORMS BE-605 AND BE-606B**

**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 amend existing rule 15 CFR 806.15 to bring reporting by foreign-owned banks in the United States on 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 into conformity with new reporting requirements under consideration for banks on the BE-12, Benchmark Survey of Foreign Direct Investment in the United States -- 1992.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of

Economic Analysis, 1401 K Street NW., Room 1008, Tower Building, Washington, DC 20230, 202 523-0659

**RIN:** 0691-AA20

**430. CHANGE IN LONG-FORM EXEMPTION LEVEL FOR BE-15, ANNUAL SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES**

**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 amend existing rule 15 CFR 806.15 to raise the exemption level for reporting on the long form in the BE-15, Annual Survey of Foreign Direct Investment in the United States, to \$50 million, from \$20 million. The exemption level is being raised to conform with the exemption level proposed for reporting on the long form in the 1992 BE-12, Benchmark Survey of Foreign Direct Investment in the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	
NPRM Comment Period End	09/00/93	
Final Action	11/00/93	
Final Action Effective	12/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street NW., Room 1008, Tower Building, Washington, DC 20230, 202 523-0659

**RIN:** 0691-AA21

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Bureau of the Census (CENSUS)

**431. REVISION OF FOREIGN TRADE STATISTICS REGULATIONS**

**Legal Authority:** 13 USC 301 to 307

**CFR Citation:** 15 CFR 30.1 to 30.92

**Legal Deadline:** None

**Abstract:** Review of 15 CFR 30 for changes to conform to the harmonized

system for imports and exports as mandated by The Omnibus Trade and Competitiveness Act of 1988. This review will combine elements of housekeeping changes, updating obsolete information, clarification, conforming to the harmonized system (including metric measurements) and bringing the system in line with current

reporting practices. There should be no added burden or costs to the public because there are no additional information or reporting requirements.

The benefits of these changes will be to allow direct comparisons between U.S. imports and exports and to allow comparisons between trade balances of



**DOC—CENSUS**

**Proposed Rule Stage**

the United States and its major trading partners.

Additionally, section 30.54 will be revised to raise the exemption from Shipper's Export Declaration filing requirements for exports by mail from \$500 to \$2500. This will reduce the reporting burden on the public, particularly small shippers.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	
NPRM Comment	10/00/93	
Period End		
Final Action	12/00/93	
Final Action	01/01/94	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** All

**Agency Contact:** Harold Blyweiss, Chief, Regulations Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, 301 763-5310

**RIN:** 0607-AA10

**432. ● REQUIREMENT THAT SHIPPER'S EXPORT DECLARATIONS (SEDS) FOR SHIPMENTS FROM THE UNITED STATES TO PUERTO RICO BE COLLECTED IN PUERTO RICO**

**Legal Authority:** 13 USC 301 to 307

**CFR Citation:** 15 CFR 30.20 to 30.24

**Legal Deadline:** None

**Abstract:** The Census Bureau proposes to change the Foreign Trade Statistics Regulations to require the collection of

SEDs for shipments from the United States to Puerto Rico in Puerto Rico. In addition, the U.S. Customs Service will revise their regulations in order to implement this change. In order to ensure compliance with the new regulations, the Puerto Rico Planning Board will fund positions in the Census Bureau Office and the U.S. Customs Service Office in Puerto Rico.

Data users will benefit through improved quality and completeness of the data for shipments from the United States to Puerto Rico. The Census Bureau does not anticipate any change in reporting burden from these revisions or any significant cost impact on the exporting community.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	12/00/92	
Final Action	01/01/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** All

**Agency Contact:** Harold L. Blyweiss, Chief, Regulations Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, 301 763-5310

**RIN:** 0607-AA15

**433. ● CHANGE IN THE DEFINITION OF "GENERAL USE" SOFTWARE FROM TECHNICAL DATA TO COMMODITY**

**Legal Authority:** 13 USC 301 to 307

**CFR Citation:** 15 CFR 30.1

**Legal Deadline:** None

**Abstract:** The Census Bureau proposes to change the definition of "General Use" software from technical data to commodity. This will involve changes to the Foreign Trade Statistics Regulations. "General Use" Software as a commodity will be valued on the transaction value and will be included in the merchandise trade statistics.

This will complement data collected in surveys by the Bureau of Economic Analysis on software as a service transaction. There will be some increase in reporting burden on exporters.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	
NPRM Comment	10/00/93	
Period End		
Final Action	12/00/93	
Final Action	01/01/94	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** All

**Agency Contact:** Harold L. Blyweiss, Chief, Regulations Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, 301 763-5310

**RIN:** 0607-AA16

**DEPARTMENT OF COMMERCE (DOC)**

**Prerule Stage**

**Economic Development Administration (EDA)**

**434. REVIEW OF REGULATIONS FOR ECONOMIC DEVELOPMENT ADMINISTRATION—DEPARTMENT OF COMMERCE**

**Legal Authority:** 42 USC 3211; DOC Organization Order 10-4, as amended

**CFR Citation:** 13 CFR ch III

**Legal Deadline:** None

**Abstract:** EDA is in the process of reviewing its regulations to update and streamline those in need of revision.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Sectors Affected:** Multiple

**Agency Contact:** Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development

Administration, Herbert C. Hoover Bldg., Room 7001, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

**RIN:** 0610-AA47

**435. SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE GRANTS**

**Legal Authority:** 42 USC 3211; DOC Organization Order 10-4, as amended

**CFR Citation:** 13 CFR 308



## DOC—EDA

Prerule Stage

**Legal Deadline:** None

**Abstract:** EDA intends to initiate regulatory action to revise the rules governing the use of loan funds under its Revolving Loan Fund (RLF) program. The proposed regulatory action is contingent upon legislation being enacted which would provide that EDA funds lose their Federal character after the first round of grant funds has been

loaned out. The legislation would also provide for its retroactive application.

**Timetable:**

Action	Date	FR Cite
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Next Action	Undetermined	
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**Small Entities Affected:** Undetermined**Government Levels Affected:** Local, State**Sectors Affected:** Multiple

**Agency Contact:** Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

**RIN:** 0610-AA48

## DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

## Economic Development Administration (EDA)

**436. 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:** These regulations will be changed to conform to the recently amended DOC rule at 15 CFR part 8b.18 (55 FR 29318, July 18, 1990), to include references to Uniform Federal Accessibility Standards (UFAS).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/92	
Final Action	12/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Local, State**Sectors Affected:** Multiple

**Agency Contact:** James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th Street & Constitution Avenue NW., Room 7001, Washington, DC 20230, 202 482-5441

**RIN:** 0610-AA05**437. 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 expeditors 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	01/00/93	
Final Action Effective	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Local, State**Sectors Affected:** Multiple

**Agency Contact:** James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-5441

**RIN:** 0610-AA18**438. PROTECTION OF EDA'S INTEREST IN FACILITIES ACQUIRED, BUILT, OR IMPROVED WITH EDA GRANT FUNDS**

**Legal Authority:** 42 USC 3211; DOC 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 enabling EDA to expend funds to care for property acquired by virtue of its lien interest in property purchased or improved with EDA grant funds, including liquidation, litigation, or any other necessary action. The proposed 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.

**Timetable:**

Action	Date	FR Cite
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Next Action	Undetermined	
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**Small Entities Affected:** None**Government Levels Affected:** Local, State**Sectors Affected:** Multiple

**Agency Contact:** Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

**RIN:** 0610-AA35



DOC—EDA

Final Rule Stage

**439. ECONOMIC DEVELOPMENT DISTRICTS, DISTRICT ORGANIZATION; CIVIL RIGHTS REQUIREMENTS**

**Legal Authority:** 42 USC 3211; DOC Organization Order 10-4, as amended  
**CFR Citation:** 13 CFR 303; 13 CFR 311

**Legal Deadline:** None

**Abstract:** At the request of the Department of Justice, the Economic Development Administration (EDA) is revising our Civil Rights Regulations at 13 CFR 303 and 311. The specific changes involve minority representation on District Boards funded by EDA and Affirmative Action requirements, as well as a few minor changes in terminology.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/93	
Final Action	04/00/93	
Final Action Effective	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Sectors Affected:** Multiple

**Agency Contact:** Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

**RIN:** 0610-AA38

**440. PUBLIC WORKS—INDUSTRIAL PARKS AND SITES**

**Legal Authority:** 42 USC 3211; DOC Organization Order 10-4, as amended

**CFR Citation:** 13 CFR 305

**Legal Deadline:** None

**Abstract:** The requirement for a property value agreement from the owner of a private industrial park or site will be less restrictive, so that such an agreement will only be required where there is an apparent or actual incidence of the private owner's failure to deal at arm's length, or if the Assistant Secretary chooses for any other reason to impose the requirements for such an agreement.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/93	
Final Action	05/00/93	
Final Action Effective	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Sectors Affected:** Multiple

**Agency Contact:** Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

**RIN:** 0610-AA40

**441. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE—ELECTRIC AND GAS FACILITIES**

**Legal Authority:** 42 USC 3211; DOC Organization Order 10-4, as amended

**CFR Citation:** 13 CFR 309.4

**Legal Deadline:** None

**Abstract:** EDA will amend its rule on financing gas or electrical facilities to omit references to primary or secondary functions, to be consistent with PWEDA (42 USC 3214(e)).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/03/90	55 FR 18594
Final Action	01/00/93	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Sectors Affected:** Multiple

**Agency Contact:** Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

**RIN:** 0610-AA43

**442. OVERALL ECONOMIC DEVELOPMENT PROGRAM—PROGRESS REPORT**

**Legal Authority:** 42 USC 3211; DOC Organization Order 10-4, as amended

**CFR Citation:** 13 CFR 304.8

**Legal Deadline:** None

**Abstract:** EDA will amend its reporting requirements for Overall Economic Development Program (OEDP) periodic revisions to coincide with the previous project's final report, and the time of submission of the next grant period work program and application. This change applies to EDA's planning grant recipients.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/93	
Final Action	06/00/93	
Final Action Effective	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Sectors Affected:** Multiple

**Agency Contact:** Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

**RIN:** 0610-AA44

**443. PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM - SPECIFIC TYPES OF PROJECTS - SKILL TRAINING CENTER FACILITIES**

**Legal Authority:** 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

**CFR Citation:** 13 CFR 305.45

**Legal Deadline:** None

**Abstract:** The purpose of the amendment to 13 CFR 305.45 is to clarify EDA's policies on skill training programs and sheltered workshops. Projects involving bona fide training are to be encouraged when they provide education for workers who can then move into the private sector. Projects involving sheltered workshops should also be encouraged because they provide jobs often to long-term



DOC—EDA

Final Rule Stage

unemployed, which are comparable to those in the private sector.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/07/92	57 FR 11674
Final Action	10/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** Local, State

**Sectors Affected:** Multiple

**Agency Contact:** Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development

Administration, Herbert C. Hoover Bldg., Room 7001, Washington, DC, 202 482-4687

**RIN:** 0610-AA51

**DEPARTMENT OF COMMERCE (DOC)**

Proposed Rule Stage

**General Administration (ADMIN)**

**444. NONPROCUREMENT DEBARMENT AND SUSPENSION**

**Legal Authority:** EO 12549, Debarment and Suspension; EO 12689; 5 USC 301

**CFR Citation:** 15 CFR 26

**Legal Deadline:** None

**Abstract:** Executive Order 12689, signed August 16, 1989, calls for agency debarment and suspension actions under procurement or nonprocurement activities to have reciprocal governmentwide effect. The common rule will be amended to reflect the requirements contained in the Executive order.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Barbara Lambis, Director, Office of Federal Assistance, Ofc. of Fed. Asst. & Management Support, Department of Commerce, Office of Administration, 14th Street &

Constitution Avenue NW., Washington, DC 20230, 202 482-5817

**RIN:** 0605-AA02

**445. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

**Legal Authority:** 5 USC 301

**CFR Citation:** 15 CFR 24

**Legal Deadline:** None

**Abstract:** On June 9, 1987, a notice of a proposed rule establishing governmentwide administrative requirements for grants and cooperative agreements to States and local governments was published in the Federal Register (52 FR 21820-21862). On March 11, 1988, a final rule was published in the Federal Register (53 FR 8033-8103) and was made effective October 1, 1988. Subsequently, a November 4, 1988 NPRM was published in the Federal Register (53 FR 44715-44819) that proposed to amend the common rule to incorporate requirements for grantees that are universities or nonprofit organizations. Based on comments received in

response to the NPRM, however, OMB published a notice (55 FR 45289-45290) cancelling plans for such changes. Currently, an interagency task force is now in the process of updating and revising the requirements for States and local governments, and Commerce regulations published at 15 CFR 24 will be amended to accommodate these modifications.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	12/00/92	
Final Action	04/00/93	
Final Action Effective	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Barbara Lambis, Director, Office of Federal Assistance, Ofc. of Fed. Asst. & Management Support, Department of Commerce, Office of Administration, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-5817

**RIN:** 0605-AA04

**DEPARTMENT OF COMMERCE (DOC)**

Final Rule Stage

**General Administration (ADMIN)**

**446. NEW RESTRICTIONS ON LOBBYING**

**Significance:** Regulatory Program

**Legal Authority:** 31 USC 1352; PL 101-121, sec 319; 5 USC 301

**CFR Citation:** 15 CFR 28

**Legal Deadline:** None

**Abstract:** The interim final rule is in response to section 319 of PL 101-121. Section 319 generally prohibits

recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Comment Period End	04/27/90	

**Next Action Undetermined**

**Small Entities Affected:** None



DOC—ADMIN

Final Rule Stage

**Government Levels Affected:** Local, State

**Agency Contact:** Barbara Lambis, Director, Office of Federal Assistance, Ofc. of Fed. Asst. & Management Support, Department of Commerce.

Office of Administration, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-5817  
**RIN:** 0605-AA06

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

General Administration (ADMIN)

**447. ● AUDIT REQUIREMENTS FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT ORGANIZATIONS**

**Legal Authority:** 5 USC 301

**CFR Citation:** 15 CFR 29b

**Legal Deadline:** None

**Abstract:** In a February 7, 1992, Federal Register notice (57 FR 4715-4716), Commerce published an interim final rule amending regulations at 15 CFR 29b, "Audit Requirements for Institutions of Higher Education and Other Nonprofit Organizations," and

requested comments from the public. This interim final rule incorporates guidance issued in OMB's "Compliance Supplement for Audits of Institutions of Higher Education and Other Nonprofit Institutions." No comments have been received. Commerce is now planning to publish an affirmation of the interim final rule, adopting it in final without change.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/07/92	57 FR 4715

Action	Date	FR Cite
Final Action Effective	02/07/92	
Final Action	09/23/92	57 FR 43892

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Barbara Lambis, Director, Office of Federal Assistance, Ofc. of Fed. Asst. & Management Support, Department of Commerce, Office of Administration, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-5817

**RIN:** 0605-AA07

DEPARTMENT OF COMMERCE (DOC)

Prerule Stage

International Trade Administration (ITA)

**448. ANTIDUMPING DUTIES**

**Significance:** Regulatory Program

**Legal Authority:** 19 USC 1673 et seq

**CFR Citation:** 19 CFR 353

**Legal Deadline:** None

**Abstract:** Revisions will codify existing administrative practice with respect to the identification and measurement of dumping. Revisions also will account for statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. The revisions will improve administrative efficiency and make the antidumping law more accessible to the public.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/01/89	54 FR 05092
ANPRM	03/20/89	
Comment		
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** Multiple

**Agency Contact:** William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-1411

**RIN:** 0625-AA29

**449. ● ANTIDUMPING DUTIES; METHODOLOGY FOR ASSESSMENT INSTRUCTIONS**

**Significance:** Regulatory Program

**Legal Authority:** 19 USC 1673 et seq

**CFR Citation:** 19 CFR 353

**Legal Deadline:** None

**Abstract:** The ITA is considering initiating a rulemaking proceeding in order to: (1) change existing

administrative practice to simplify and streamline the collection of estimated antidumping duties and the assessment of antidumping duties; and (2) codify existing administrative practice, to the extent that such codification is consistent with the first objective.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/05/91	56 FR 63696
ANPRM	02/03/92	56 FR 63696
Comment		
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John D. McInerney, Senior Counsel, Department of Commerce, International Trade Administration, Room H3622, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-5589

**RIN:** 0625-AA36



**DEPARTMENT OF COMMERCE (DOC)**  
**International Trade Administration (ITA)**

**Proposed Rule Stage**

**450. COUNTERVAILING DUTIES**

**Significance:** Regulatory Program

**Legal Authority:** 19 USC 1303; 19 USC 1671 et seq

**CFR Citation:** 19 CFR 355

**Legal Deadline:** None

**Abstract:** Current countervailing duty regulations will be revised to codify existing administrative practice with respect to the identification and measurement of subsidies. Revisions also will take into account statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988.

The revisions will improve administrative efficiency and will make the countervailing duty law more accessible to the public.

**Timetable:**

Action	Date	FR Cite
NPRM	05/31/89	54 FR 23366
NPRM Comment	09/05/89	54 FR 33238
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** Multiple

**Agency Contact:** William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-1411

**RIN:** 0625-AA31

**DEPARTMENT OF COMMERCE (DOC)**  
**International Trade Administration (ITA)**

**Final Rule Stage**

**451. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES**

**Significance:** Regulatory Program

**Legal Authority:** 19 USC 1671 et seq; 19 USC 1673 et seq

**CFR Citation:** 19 CFR 353; 19 CFR 355

**Legal Deadline:** None

**Abstract:** Revisions to the current antidumping duty and countervailing duty regulations are needed in order to conform those regulations to certain statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. Those amendments deal with (1) downstream product monitoring; (2) consultations with the International Trade Commission on certain scope rulings; (3) procedures for administrative protective orders; (4) correction of ministerial errors; and (5) effective dates. The revisions will enable the Department to apply the new statutory provisions in an orderly and efficient basis.

Commerce, International Trade Administration, Room 3622, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-1411

**RIN:** 0625-AA32

Constitution Avenue NW., Washington, DC 20230, 202 482-1411

**RIN:** 0625-AA34

**452. SHORT SUPPLY PROCEDURES FOR ITA**

**Legal Authority:** PL 101-221

**CFR Citation:** 19 CFR 357

**Legal Deadline:** None

**Abstract:** In order to implement section 4(b) of the Steel Trade Liberalization Program Implementation Act, ITA promulgated interim regulations on its short supply procedures. The regulations contain uniform rules, criteria, and procedures for ensuring transparency, timeliness, and fairness in the administration of the short supply program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/12/90	55 FR 1348

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th Street &

**453. ● ANTIDUMPING AND COUNTERVAILING DUTIES; SIGNIFICANT MINISTERIAL ERRORS**

**Legal Authority:** 19 USC 1303; 19 USC 1671 et seq; 19 USC 1673 et seq

**CFR Citation:** 19 CFR 353; 19 CFR 355

**Legal Deadline:** None

**Abstract:** Regulations are needed to set forth the circumstances in which the ITA will correct significant ministerial errors made in preliminary antidumping and countervailing duty determinations. Regulations also will establish the procedures to be used by private parties in requesting the correction of significant ministerial errors.

**Timetable:**

Action	Date	FR Cite
NPRM	01/10/92	57 FR 1131
NPRM Comment	03/10/92	57 FR 1131
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-1411

**RIN:** 0625-AA35

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/09/90	55 FR 9046

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** Multiple

**Agency Contact:** William D. Hunter, Deputy Chief Counsel for Import Administration, Department of



**DEPARTMENT OF COMMERCE (DOC)**  
**Bureau of Export Administration (BXA)**

**Final Rule Stage**

**454. REVISIONS TO SHORT SUPPLY REGULATIONS**

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 771; 15 CFR 777; 15 CFR 799

**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 777) and related licensing requirements (15 CFR 771 and 799) of the Export Administration Regulations (15 CFR 730-799) 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
Interim Final Rule	10/09/85	50 FR 41131
Final Action	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Willard Fisher, Regulations Branch, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA01

**455. DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM (DPAS)**

**Legal Authority:** 50 USC app 2061 et seq; 50 USC app 468; EO 10480; EO 12148; EO 12742

**CFR Citation:** 15 CFR 700

**Legal Deadline:** None

**Abstract:** The Defense Priorities and Allocations System (DPAS) implements the priorities and allocations authority of Title I of the Defense Production Act of 1950, as amended, and the priorities authority of section 18 of the Selective Service Act of 1948. The DPAS was published as a final rule on July 30, 1984. Based on the findings and recommendations of an interagency sponsored study concerning the controlled materials program, and comments from both defense agency and industry users, this proposed rule would amend the DPAS to remove the controlled materials provisions and make certain revisions to its procedural requirements. These amendments will have no costs associated with them, would reduce the regulatory and information reporting burden on industry and make the DPAS more effective and efficient, and would result in cost savings for defense contractors.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** Multiple

**Agency Contact:** Richard V. Meyers, DPAS Program Manager, Department of Commerce, Bureau of Export Administration, Office of Industrial Resources Admin., National Security Preparedness Div., Room 3878, Washington, DC 20230, 202 482-3634

**RIN:** 0694-AA02

**456. EXPORTS FROM ABROAD OF FOREIGN PRODUCTS INCORPORATING U.S.-ORIGIN PARTS AND COMPONENTS**

**Legal Authority:** 18 USC 2510 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 50 USC app 2401 et seq; 46 USC 466c; EO 12002; EO 12058; EO 12214; EO 12730; EO 12735

**CFR Citation:** 15 CFR 776

**Legal Deadline:** None

**Abstract:** In accordance with section 5(a)(A) of the EAA, as amended by the 1988 Trade Act, this rule revises section 776.12 of the EAR to reduce export and reexport controls on U.S.-origin parts and components incorporated in foreign-made products. Under section

776.12 prior authorization is not required when U.S.-origin content comprises 25 percent or less and the foreign-made product is exported to a country listed in Supplements 2 and 3 to Part 773, i.e., countries cooperating in nuclear non-proliferation policy. This interim rule revises section 776.12 to apply the 25 percent exemption to all destinations, except the embargoed countries. The 10 percent exemption, but not the dollar value limitation, is continued for these proscribed destinations. The rule also exempts from control foreign-made products incorporating U.S.-origin content consisting of low level technology specifically designated on the Commodity Control List.

**Timetable:**

Action	Date	FR Cite
NPRM	12/07/88	53 FR 49327
Interim Final Rule	10/03/89	54 FR 40640
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA06

**457. GENERAL LICENSE GFW**

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 799

**Legal Deadline:** None

**Abstract:** Section 5(b)(3)(A) of the Omnibus Trade and Competitiveness Act of 1988 (OTCA) requires the removal of national security based licensing requirements on all exports to Free World countries. Commodities that are covered by this provision are those described in the Advisory Notes in the Commodity Control List that indicate likelihood of approval for Country Groups QWY.



DOC—BXA

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/27/90	55 FR 6791
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA07

#### 458. REVISION OF FOREIGN BOYCOTT PROVISIONS OF EXPORT ADMINISTRATION REGULATIONS

**Legal Authority:** 50 USC 1701 et seq; 50 USC app 2401 et seq; EO 12002; EO 12058; EO 12214; EO 12730; EO 12735

**CFR Citation:** 15 CFR 769**Legal Deadline:** None

**Abstract:** The Department proposes to revise the foreign boycott provisions of the Export Administration Regulations. The revisions would clarify the application of: (1) the intent provision to the reporting requirement; (2) the jurisdictional requirements relating to the implementation of letters of credit; (3) the furnishing information prohibitions to information about the nationality of directors and about blacklisted persons; (4) the shipping requirement exception to refusals to use blacklisted vessels; and (5) the import and shipping document exception to information about the nationality of carriers and residence of manufacturers or suppliers. The revisions are intended to clarify areas of confusion. In addition, the proposal would remove many references and provisions dealing with effective dates and grace periods that are no longer applicable.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39415
NPRM Comment Period End	10/26/89	
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Mary Martin, Acting Director, Compliance Policy Division, Department of Commerce, Bureau of

Export Administration, Washington, DC 20230, 202 482-4550

**RIN:** 0694-AA11

#### 459. ELIMINATION OF CONTROLS ON EXPORTS TO AND REEXPORTS FROM COCOM MEMBER COUNTRIES

**Significance:** Regulatory Program

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 770; 15 CFR 771; 15 CFR 772; 15 CFR 773; 15 CFR 776; 15 CFR 779; 15 CFR 788; 15 CFR 799

**Legal Deadline:** None

**Abstract:** The interim rule created a new general license GCT that permitted license-free shipment to COCOM member countries, with certain conditions and exceptions. Two subsequent rules removed almost all restrictions, creating a true license-free zone, and allowed most national security-based reexports from COCOM member countries without prior U.S. authorizations.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/20/90	55 FR 25083
Interim Final Rule	05/01/92	57 FR 18817
Interim Final Rule	05/01/92	57 FR 18819

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Room 4054, Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA13

#### 460. SHIPPER'S EXPORT DECLARATION: COMBINING GENERAL LICENSE AND VALIDATED LICENSE ON THE SAME SED

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC

466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 786**Legal Deadline:** None

**Abstract:** Section 786.3(h) of the Export Administration Regulations contains certain requirements for listing commodities on the Shipper's Export Declaration (SED). Previously, section 786.3(h)(1) contained a general prohibition against combining general license commodities with validated license commodities on the same SED. This interim rule will amend section 786.3(h) to permit general license commodities and validated license commodities to be listed on the SED. The rule also will revise section 786.3(h) to clarify that the commodities that may be listed on the same SED must be included in one shipment on board a single carrier and must be from the same exporter to the same consignee.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/09/90	55 FR 47048
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA14

#### 461. REVISION OF GENERAL LICENSE GIFT

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 771**Legal Deadline:** None

**Abstract:** The Bureau of Export Administration is revising section 771.18 of the Export Administration Regulations (15 CFR parts 768-799), which contains provisions on the applicability of General License GIFT for exports from the United States. General License GIFT authorizes export of parcels from U.S. individuals or



charitable organizations overseas. General License GIFT is modified to allow no more than one gift parcel from the same donor to the same donee in any one month. Currently, one parcel may be shipped each week. This change is intended to assure that the license is utilized in conformity with its intended purpose, namely the donative provision of gifts between individuals. Specific authorization to exceed this limit may be granted on a case-by-case basis to meet compelling humanitarian concerns (e.g., gifts of medicine to relatives). The Bureau of Export Administration will grant case-by-case exemptions through issuance of a validated license. For clarity, new text is added on appropriateness of items as gifts.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/09/89	54 FR 19883
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 4054, 14th Street & Pennsylvania Avenue NW., Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA26

#### 462. CHANGE IN REPORTING REQUIREMENTS FOR THE SPECIAL LICENSES

**Legal Authority:** 18 USC 2510 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 50 USC app 2401 et seq; EO 12002; EO 12058; EO 12214; EO 12730; EO 12735

**CFR Citation:** 15 CFR 773

**Legal Deadline:** None

**Abstract:** This rule amends the EAR to remove requirements that exporters submit certain documents to BXA with their license applications or concerning their exports under bulk licenses. Instead, exporters will be required to retain the documents in their files for five years. The current retention period is two years. The changes facilitate the EAR provisions governing electronic submission of license applications.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/09/90	55 FR 47050
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Room 4054, 14th Street & Pennsylvania Avenue NW., Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA27

#### 463. ELIMINATION OF SUBMISSION REQUIREMENT FOR CERTAIN SUPPORTING DOCUMENTS

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 772; 15 CFR 774; 15 CFR 775; 15 CFR 787

**Legal Deadline:** None

**Abstract:** This rule amends the EAR to remove requirements that exporters submit certain documents to BXA with their license applications or concerning their exports under bulk licenses. Instead exporters will be required to retain the documents in their files for five years. The current retention period is two years. The changes facilitate the EAR provisions governing electronic submission of license applications.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/05/90	55 FR 46503
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA28

#### 464. CONVERSION TO THE METRIC SYSTEM

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 15 USC 205b; 15 USC 205j-1; 46 USC 466c; EO 12730; EO 12735

**CFR Citation:** 15 CFR 768 to 799

**Legal Deadline:** None

**Abstract:** The Bureau of Export Administration is amending the Export Administration Regulations to convert units of weight and measure to the metric system. This brings BXA into compliance with the 1988 Omnibus Trade and Competitiveness Act, which amends the Metric Conversion Act of 1975 to authorize the conversion of the weights and measures of "all U.S. trade and commerce" and all Federal agencies to the metric system. It also reflects the current situation of international trade, which is conducted almost exclusively in the metric system. Much of this was accomplished by the publications of the Core list in the fall of 1991.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Nancy Crowe, Regulations Branch, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-3856

**RIN:** 0694-AA50

#### 465. IMPLEMENTATION OF COCOM CORE LIST

**Significance:** Regulatory Program

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 799.1, supp 1

**Legal Deadline:** None

**Abstract:** The Commodity Control List is based on the Multinational Industrial List, agreed to by the 17 member



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nations of the Coordinating Committee (COCOM). COCOM has agreed to replace the Industrial List with a totally new "Core List." The Core List will be arranged and numbered differently. Since the CCL is now based on the Industrial List Numbering System, the entire CCL will have to be reformatted to adapt to the new system. The new list incorporates format changes to make it easier to use. While exporters will have to make major changes in their systems to adjust to a totally new control list, they should also benefit from a tighter, more specific list and an improved format that will simplify the process of determining export controls on their products.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/29/91	56 FR 42824
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Daniel E. Cook, Director, Policy Development Division, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-4479

RIN: 0694-AA51

#### 466. TRANSFER OF DUAL USE ITEMS FROM U.S. MUNITIONS LIST TO COMMODITY CONTROL LIST

**Significance:** Regulatory Program

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 799.1**Legal Deadline:** None

**Abstract:** The COCOM Industrial List (IL) controls so-called dual-use items, which have both civil and military uses. There is not a direct correspondence between the IL and BXA's Commodity Control List (CCL) because some IL items are controlled by the State Department in the U.S. munitions list.

In his November 15, 1990 memorandum of disapproval of H.R. 4653 the President determined that, "By June 1, 1991 the United States will remove

from the U.S. munitions list all items contained on the COCOM dual-use list unless significant U.S. national security interests would be jeopardized." This rule will implement BXA controls through the CCL on those items removed from the U.S. munitions list as a result of the President's decision.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Jerold Beiter, Electronics Engineer, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-1641

RIN: 0694-AA52

#### 467. EXPANSION OF FOREIGN POLICY CONTROLS ON CHEMICAL WEAPON PRECURSORS

**Significance:** Agency Priority

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 776; 15 CFR 799**Legal Deadline:** None

**Abstract:** In support of U.S. policies opposing the proliferation and use of chemical weapons the Department expanded foreign policy controls on exports of certain chemical weapons precursors (i.e., chemicals that can be used in the manufacture of chemical weapons). This rule expands the number of countries for which a validated license is required for 39 precursor chemicals. These chemicals will require a validated license for export to all destinations except NATO member countries, Australia, Austria, Ireland, Japan, New Zealand, and Switzerland.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/13/91	56 FR 10756
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-3856

RIN: 0694-AA53

#### 468. IMPOSITION AND EXPANSION OF FOREIGN POLICY CONTROLS (MEGAREG)

**Significance:** Agency Priority

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 771; 15 CFR 773; 15 CFR 776; 15 CFR 778; 15 CFR 779; 15 CFR 799

**Legal Deadline:** None

**Abstract:** The Department is amending the EAR in support of U.S. nonproliferation policies. This interim rule imposes foreign policy controls on certain exports by providing authority to deny most items already requiring a validated license where the export could be destined for the design, development, production, or use of missiles or chemical or biological weapons, or for a facility engaged in such activities. The rule also imposes foreign policy controls on exports to specified destinations, where the exporter knows the item may be related to such purposes or be destined to such sites. The rule also restricts related activities of U.S. persons or their activities at certain sites and groups regulations relating to weapons proliferation in newly designated part 778.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/15/91	56 FR 40494
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-3856

RIN: 0694-AA54



DOC—BXA

Final Rule Stage

#### 469. IMPOSITION OF FOREIGN POLICY CONTROLS ON EQUIPMENT AND TECHNICAL DATA RELATED TO THE PRODUCTION OF CHEMICAL AND BIOLOGICAL WEAPONS

**Significance:** Agency Priority

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 770; 15 CFR 776; 15 CFR 778; 15 CFR 799

**Legal Deadline:** None

**Abstract:** In support of U.S. policies opposing the proliferation and prohibited use of chemical and biological weapons, the Department imposed foreign policy controls on exports of certain dual-use equipment that can be used to produce: 1) chemicals or biological agents controlled by certain ECCNs; 2) chemical or biological agents controlled under the International Traffic in Arms Regulations. The Department also imposed foreign policy controls on technical data for the production of such equipment. A further interim rule revised the equipment controls and established a positive list of biological substance subject to control.

##### Timetable:

Action	Date	FR Cite
Interim Final Rule	03/13/91	56 FR 10760
NPRM	09/30/91	56 FR 49441
NPRM Comment Period End	10/30/91	
Revised Interim Final Rule	07/15/92	57 FR 31309
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James Seeraratnam, Industrial Specialist, Department of Commerce, Bureau of Export

Administration, Room 4060,  
Washington, DC 20230, 202 482-5695

**RIN:** 0694-AA55

#### 470. REVISIONS TO THE COMMODITY CONTROL LIST: CHANGES IN NUCLEAR NONPROLIFERATION CONTROLS

**Significance:** Agency Priority

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 773; 15 CFR 799

**Legal Deadline:** None

**Abstract:** This interim rule amends the CCL by revising the items subject to control for nuclear nonproliferation reasons. The changes are intended to update the nuclear nonproliferation policy. While the changes made by this rule may have a significant impact on the licensing requirement for individual Export Control Commodity Numbers, the net effect of these changes on export licensing requirements will be limited.

##### Timetable:

Action	Date	FR Cite
Interim Final Rule	08/28/91	56 FR 42652
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA56

#### 471. REVISIONS TO THE DISTRIBUTION LICENSE PROCEDURE

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22

USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 773 supplement 1; 15 CFR 799 supplement 2

**Legal Deadline:** None

**Abstract:** The Distribution License is a Special License issued to about 150 exporters, allowing exports of pre-approved goods to pre-approved consignees without regard for quantity or value. This procedure allows firms that are willing to adopt rigorous control regimes to supply their regular customers without the burden of repetitively applying for export licenses. The Distribution License places limits on the levels of computers (one of the main products shipped under the Distribution License), which vary with the destination. With advances in computer technology, the levels allowed had begun to restrict use of the Distribution License and hamper the competitiveness of license holders. BXA consulted other concerned agencies to determine the appropriate levels of computer performance, consistent with advances in technology and concerns for national security and nonproliferation. On May 1, 1992, BXA published a rule that expanded substantially the ability of Distribution License holders to export computers, to the extent that supercomputers are now eligible for 12 countries.

##### Timetable:

Action	Date	FR Cite
Interim Final Rule	05/01/92	57 FR 18815
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA60



## DEPARTMENT OF COMMERCE (DOC)

## Completed Actions

## Bureau of Export Administration (BXA)

**472. EXPANSION AND IMPOSITION OF FOREIGN POLICY CONTROLS ON CHEMICAL WEAPON PRECURSORS**

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 776; 15 CFR 799

**Legal Deadline:** None

**Abstract:** In support of U.S. foreign policy and particularly U.S. policies of opposing the proliferation and prohibited use of chemical weapons, the Department of Commerce revised the foreign policy controls on exports of certain chemical weapon precursors, i.e., chemicals that can be used in the manufacture of chemical weapons. This rule makes several significant revisions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/20/89	54 FR 52017
Superseded by RIN 0694-AA53.	03/13/91	56 FR 10756

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Patricia Muldonian, Export Administration Specialist, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Room 4054 HCHB, Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA32

**473. ● EXPORTS TO CAMBODIA AND LAOS; COUNTRY GROUP Y**

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 770; 15 CFR 785

**Legal Deadline:** None

**Abstract:** The United States maintains foreign policy-based embargoes on exports to a few countries. In recent years, these embargoes, imposed under the Trading With the Enemy Act, have applied to Cuba, Vietnam, North Korea, and Cambodia. In the case of Cambodia, the embargo was due to the military occupation of that country by Vietnam and the unrest among various factions in Cambodia. With the comprehensive political settlement of the Cambodian conflict, the President directed lifting of the trade embargo. BXA consulted with the Department of State to determine the effect on export controls of lifting the embargo. As a result, the country was placed in a control grouping that allows most goods to be exported without the need to apply for a license, but requires potentially sensitive goods to be screened through the licensing process to prevent unauthorized diversions. This ends the embargo and restores normal commerce.

**Timetable:**

Action	Date	FR Cite
Final Action	04/06/92	57 FR 11576

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA58

**474. ● EXPORTS TO HONG KONG AND NEW ZEALAND**

**Legal Authority:** 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC

466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

**CFR Citation:** 15 CFR 770; 15 CFR 771; 15 CFR 773; 15 CFR 774

**Legal Deadline:** None

**Abstract:** As required by section 5(k) of the Export Administration Act of 1979, as amended, certain export licensing benefits are made available to countries that adopt COCOM-like export control programs. These benefits encourage countries to develop such controls and reward them for maintaining effective programs. In the past few years, this special status has been granted to five countries - Austria, Finland, Ireland, Sweden, and Switzerland. The Administration has been working closely with several other governments to bring them on board. Negotiations with the governments of Hong Kong and New Zealand established that they had established effective control systems. On May 5, 1992, BXA published final rules granting 5(k) status to Hong Kong and New Zealand. The result is that virtually all exports to those two destinations may be made without need for validated export licenses. They also qualify for special reexport privileges and other similar benefits.

**Timetable:**

Action	Date	FR Cite
Final Action	05/05/92	57 FR 19334

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Washington, DC 20230, 202 482-2440

**RIN:** 0694-AA59

## DEPARTMENT OF COMMERCE (DOC)

## Proposed Rule Stage

## National Institute of Standards &amp; Technology (NIST)

**475. FIPS FOR POSIX SYSTEM ADMINISTRATION**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will adopt a set of specifications on an interim basis to provide functional system administration requirements for POSIX



operating system implementations. Actual utility names and options for system administration will be specified in a future revision to this FIPS. This standard will facilitate the interchange of computer programs among different vendor systems and architectures.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA71

**476. FIPS FOR IRDS EXPORT/IMPORT FILE FORMAT**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will adopt an American National Standard being developed by Standards Committee X3H4. The standard will specify the precise format of files used to exchange information between IRDSs. The specification will complete the IRD-IRD Interface, the functionality of which is specified in FIPS PUB 158.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA76

**477. FIPS FOR DIGITAL SIGNATURE STANDARD**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will specify a Digital Signature algorithm appropriate for digital signature applications. The standard will enable users to verify the integrity of the data and the origin of messages sent between computers, and to verify the integrity of data and programs that are stored in computers.

**Timetable:**

Action	Date	FR Cite
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NPRM	08/30/91	56 FR 42980
NPRM Comment	02/28/92	56 FR 61231
Period End		
Second Comment	01/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA86

**478. FASTENER QUALITY**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-592

**CFR Citation:** 15 CFR 280

**Legal Deadline:** NPRM, Statutory, May 15, 1991.

**Abstract:** This rule will implement the Fastener Quality Act. In 1990, Congress enacted the Fastener Quality Act (the Act) to protect public safety, deter introduction of nonconforming fasteners into commerce, improve traceability of fasteners used in critical applications, and provide customers with greater assurance that fasteners meet stated specifications. The Act requires that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured; provides for accreditation of laboratories engaged in fastener testing; and requires the inspection, testing, and certification (in accordance with standardized methods)

of fasteners used in critical applications.

**Timetable:**

Action	Date	FR Cite
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NPRM	08/17/92	57 FR 37032
NPRM Comment	11/02/92	57 FR 37032
Period End		
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Stanley Warshaw, FQA Program Manager, Office of Standards Services, Department of Commerce, National Institute of Standards & Technology, Room A603 Administration, Gaithersburg, MD 20899, 301 975-4000

**RIN:** 0693-AA90

**479. FIPS FOR AUTOMATED PASSWORD GENERATOR**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will provide an algorithm that will be implemented in software systems. The algorithm will generate pronounceable passwords for authenticating users of an ADP system, or for authorizing access to system resources.

**Timetable:**

Action	Date	FR Cite
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NPRM	09/08/92	57 FR 40894
NPRM Comment	12/07/92	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA94

**480. ● PROPOSED REVISION OF FIPS 71-1, ADVANCED DATA COMMUNICATION CONTROL PROCEDURES (ADCCP)**

**Legal Authority:** PL 100-235

**CFR Citation:** None



## DOC—NIST

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** This revision will adopt revised international standards for data communications control procedures.

This revision will facilitate the transfer and control of information across telecommunications links, and improve interoperability between different equipment and systems.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA98

#### 481. ● PROPOSED FIPS FOR STANDARD SECURITY LABEL FORMAT FOR GOSIP

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will specify the format for security labels to be used with the Government Open Systems Interconnection Profile (GOSIP). Security labels will facilitate the institution of controls to prevent accidental or intentional disclosure, modification, or destruction of data.

**Timetable:**

Action	Date	FR Cite
NPRM	08/21/92	57 FR 37948
NPRM Comment	11/19/92	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151

Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA99

#### 482. ● PROCEDURES FOR REGISTERING COMPUTER SECURITY OBJECTS

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This register will specify names that uniquely identify Computer Security Objects (CSOs), which will be used to support secure communication of data between systems. The unique names will be used to reference objects during the negotiation of security services for a transaction or application. The register will also be a repository of parameters associated with the registered object.

**Timetable:**

Action	Date	FR Cite
NPRM	08/11/92	57 FR 35787
NPRM Comment	11/09/92	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AB02

#### 483. ● PROPOSED REVISION OF FIPS 127-1, DATABASE LANGUAGE SQL

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This revision to FIPS 127-1, Database Language SQL, will adopt the draft proposed American National Standard: Database Language SQL (dpANS X3.135-199X), which is expected to be approved as an American National Standard. This revision to FIPS 127-1 will provide a substantial, upward-compatible enhancement of Database Language SQL.

**Timetable:**

Action	Date	FR Cite
NPRM	09/09/92	57 FR 41126
NPRM Comment	12/08/92	57 FR 41126
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AB05

#### 484. ● FIPS FOR VIDEO TELECONFERENCING SERVICES AT 56 TO 1,920 KB/S

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will adopt International Telegraph and Telephone Consultative Committee (CCITT) Recommendation H.320, H.221, H.242, H.261, and H.230 for video teleconferencing and video telephony systems. This standard will provide Federal departments and agencies with a comprehensive description of the interoperability criteria for audiovisual systems used in video teleconferencing and videophone applications.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AB06



DOC—NIST

Proposed Rule Stage

**485. ● FIPS FOR IDEF (ICAM (INTEGRATED COMPUTER ASSISTED COMPUTER MANUFACTURING) DEFINITION) MODELING TECHNIQUES**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** Two FIPS will adopt non-proprietary IDEF modeling techniques developed by government and industry for use in the analysis and development of information systems. The first FIPS will adopt the IDEFO modeling methodology which produces a structured representation of the processes and functions carried out by an information system. The second FIPS will adopt the IDEF1X modeling methodology which produces an information model of the structure and semantics of the information used by a system.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AB07

**486. ● PROPOSED REAFFIRMATION OF FIPS 46-1, DATA ENCRYPTION STANDARD (DES)**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** A review will be conducted of Federal Information Processing Standard 46, Data Encryption Standard, which provides an algorithm to be implemented in electronic hardware devices and used for the cryptographic protection of computer data. The standard, which was issued in 1977 and reviewed in 1983 and 1987, will be reviewed again to assess the continued adequacy of the standard to protect computer data.

**Timetable:**

Action	Date	FR Cite
NPRM	09/11/92	57 FR 41727
NPRM Comment	12/10/92	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirely Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AB09

**487. ● PROPOSED REVISION OF FIPS 158, THE USER INTERFACE COMPONENT OF THE APPLICATIONS PORTABILITY PROFILE**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This revision will adopt the X Protocol, Xlib Interface, Xt Intrinsic and Bitmap Distribution Format Specifications of the X Window System, Version 11, Release 5 (X Window System is a trademark of the Massachusetts Institute of Technology (MIT)). This standard will assist computing professionals involved in system and application software development and implementation.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AB10

**DEPARTMENT OF COMMERCE (DOC)**

Final Rule Stage

**National Institute of Standards & Technology (NIST)**

**488. FIPS FOR DOCUMENT APPLICATION PROFILE (DAP) FOR THE OFFICE DOCUMENT ARCHITECTURE (ODA) AND INTERCHANGE FORMAT STANDARD**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This FIPS will be based on international standards for office document architecture and office document interchange formats. The profile will provide necessary functionality to enable documents developed on different manufacturers'

equipment to be interchanged between systems.

**Timetable:**

Action	Date	FR Cite
NPRM	01/27/89	54 FR 4054
NPRM Comment	04/27/89	54 FR 4054
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of

Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA67

**489. REVISION OF FIPS 140, GENERAL SECURITY REQUIREMENTS FOR EQUIPMENT USING THE DATA ENCRYPTION STANDARD**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This revision will bring the standard up to date to cover new



## DOC—NIST

## Final Rule Stage

encryption applications, and new policies for testing for conformance to the standard.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/09/88	53 FR 49722
ANPRM	03/09/89	53 FR 49722
Comment Period End		
NPRM	01/08/91	56 FR 681
NPRM Comment	04/08/91	56 FR 681
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA68

#### 490. FIPS FOR POSIX SHELL AND UTILITY APPLICATION INTERFACE FOR COMPUTER OPERATING SYSTEMS ENVIRONMENTS

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will adopt, on an interim basis, Draft 9 of the Institute of Electrical and Electronics Engineers (IEEE) Standard for Shell and Application Utility Interface for Computer Operating Systems Environments (IEEE 1003.2/POSIX Shell and Tools). This standard will extend the functionality of the POSIX standard by providing an interactive interface for users to control processing.

**Timetable:**

Action	Date	FR Cite
NPRM	06/07/89	54 FR 24375
NPRM Comment	09/05/89	54 FR 24375
Period End		
Repeated NPRM	06/13/90	55 FR 23959
NPRM Comment	09/11/90	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA70

#### 491. FIPS FOR GOVERNMENT NETWORK MANAGEMENT PROFILE

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will specify a management protocol, management information, and management functions for interoperable multi-vendor networks that implement Open System Interconnection (OSI) standards. The standard will be based on the stable agreements reached by NIST Workshop for Implementors of OSI as developed by the Special Interest Group on Network Management.

**Timetable:**

Action	Date	FR Cite
NPRM	07/31/91	56 FR 36136
Correction Notice	08/12/91	56 FR 38174
NPRM Comment	10/29/91	
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA85

#### 492. FIPS FOR INITIAL GRAPHICS EXCHANGE SPECIFICATION (IGES)

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This FIPS will adopt the American National Standard Digital Representation for Communication of Product Definition Data, ASME/ANSI Y14.26M-1989, more commonly known as the Initial Graphics Exchange Specification (IGES). This FIPS will establish information structures for the

digital representation and communication of product definition data and permit the compatible exchange of product definition data used by various computer-aided design and computer-aided manufacturing (CAD/CAM) systems.

**Timetable:**

Action	Date	FR Cite
NPRM	10/03/91	56 FR 50096
NPRM Comment	01/02/92	56 FR 50096
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA88

#### 493. REVISION OF FIPS 128, COMPUTER GRAPHICS METAFILE (CGM)

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This revised FIPS will adopt the redesignated version of the CGM standard, known as ANSI/ISO 8632.1-4:1991, and add a requirement for the use of profiles. A profile defines the options, elements, and parameters of ANSI/ISO 8632 necessary to accomplish a particular function and to maximize the probability of interchange between systems implementing the profile. The revised FIPS will also adopt MIL-D-28003, Computer-Aided Acquisition and Logistics Support (CAL), as the first CGM Application Profile.

**Timetable:**

Action	Date	FR Cite
NPRM	11/26/91	56 FR 59928
NPRM Comment	02/24/92	56 FR 59928
Period End		
Second NPRM	05/26/92	57 FR 21961
Second NPRM	07/10/92	57 FR 21961
Comment		
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None



**Government Levels Affected:** Federal  
**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA93

**494. ● PROPOSED FIPS FOR ISDN**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will define the generic protocols necessary to establish transparent Integrated Services Digital Network (ISDN) connections among government networks and between government and conformant common carrier networks. This standard will facilitate the interconnection of Federal telecommunications systems to standard ISDN services.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/92	57 FR 1255
NPRM Comment	04/13/92	57 FR 1255
Period End		
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA96

**495. ● PROPOSED FIPS FOR SECURE HASH STANDARD**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will adopt an algorithm which provides a formula for producing a numeric value (called a "message digest") of a message (or any digital information). This standard will be used whenever a secure hash algorithm is needed to provide a

mechanism to check the integrity of data.

**Timetable:**

Action	Date	FR Cite
NPRM	01/31/92	57 FR 3747
NPRM Comment	04/30/92	57 FR 3747
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA97

**496. ● PROPOSED REVISION OF FIPS 125, MUMPS**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This revision will adopt American National Standard for MUMPS, ANSI/MDC X11.1-1990. This revision will facilitate the interchange of application programs among different computer systems and improve the productivity of computer programmers.

**Timetable:**

Action	Date	FR Cite
NPRM	05/26/92	57 FR 21963
NPRM Comment	08/24/92	57 FR 21963
Period End		
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AB00

**497. ● PROPOSED REVISION OF FIPS 151-1, POSIX**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This revision will adopt International Standard ISO/IEC 9945-1: 1990, Information Technology - Portable Operating System Interface (POSIX) - Part 1: System Application Program Interface (API) (C Language), which defines a C programming language source interface to an operating system environment. This standard will facilitate the portability of application programs among different computer systems.

**Timetable:**

Action	Date	FR Cite
NPRM	06/29/92	57 FR 28829
NPRM Comment	09/28/92	57 FR 28829
Period End		
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AB01

**498. ● FIPS FOR STANDARD PAGE DESCRIPTION LANGUAGE**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will adopt the International Standards Organization International Electrotechnical Commission Standard Page Description Language (SPDL), ISO/IEC/DIS 10180, which defines a device-independent format for representing documents in their final fully formatted form, to printers or other presentation processes. It combines the image description technology of modern page description languages with a document structure which enables efficient processing and page image management.

**Timetable:**

Action	Date	FR Cite
NPRM	05/04/92	57 FR 19111
NPRM Comment	08/03/92	57 FR 19111
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None



DOC—NIST

Final Rule Stage

**Government Levels Affected:** Federal  
**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151

Technology, Gaithersburg, MD 20899, 301 975-2833  
**RIN:** 0693-AB03

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

National Institute of Standards & Technology (NIST)

**499. FIPS FOR SPATIAL DATA TRANSFER STANDARD**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard will adopt specifications developed by the Department of the Interior for representing data used in mapping applications. The standard will improve interchange of information among agencies analyzing land use, demographics, and other geographic information.

**Timetable:**

Action	Date	FR Cite
NPRM	04/11/91	56 FR 14686
NPRM Comment Period End	07/10/91	56 FR 14686
Final Action	08/28/92	57 FR 39185
Final Action Effective	02/15/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA73

**500. FIPS FOR FIBER DISTRIBUTED DATA INTERFACE (FDDI)**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This FIPS will adopt five voluntary industry standards that are nearing final approval by ANSI. FDDI is a layered standard for a 100 Mbits fiber optic token ring Local Area Network (LAN).

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/89	54 FR 32841
NPRM Comment Period End	11/08/89	54 FR 32841
Withdrawn - not in best interest of the Government to propose FIPS	08/21/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA74

**501. FIPS FOR OPEN SYSTEMS INTERCONNECTION (OSI) TRANSPORT LAYER SECURITY PROTOCOL (SP4)**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This FIPS will provide for confidentiality and integrity services at the Transport Layer of OSI Systems. The standard will be based on specifications and technical agreements reached through cooperative government and industry efforts.

**Timetable:**

Action	Date	FR Cite
Withdrawn Not in best interest of the Government to propose FIPS.	08/21/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA75

**502. FIPS 171, KEY MANAGEMENT USING ANSI X9.17**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This standard adopts ANSI X9.17, a voluntary industry standard for Financial Institution Key Management (Wholesale), and specifies a set of options for using the protocols of ANSI X9.17 in the automated distribution of keying materials needed for data encryption, decryption, and authentication. ANSI X9.17 is a voluntary industry standard that defines procedures for the manual and automated management of the data (e.g., keys and initialization vectors) necessary to establish and maintain cryptographic keying relationships.

**Timetable:**

Action	Date	FR Cite
NPRM	02/13/91	56 FR 5800
NPRM Comment Period End	05/14/91	56 FR 5800
Final Action	04/27/92	57 FR 15285
Final Action Effective	10/30/92	57 FR 15285

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

**RIN:** 0693-AA87



DOC—NIST

Completed Actions

**503. FASTENER QUALITY**

**Completed:**

Reason	Date	FR Cite
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Duplicate of RIN 07/15/92  
0693-AA90

RIN: 0693-AA92

**504. FIPS 172, VHDL**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This FIPS adopts the standard hardware description language contained in IEEE Std 1076-1987, VHDL Language Reference Manual. The VHSIC Hardware Description Language (VHDL) is a formal notation intended for use in all phases of the creation of electronic systems.

**Timetable:**

Action	Date	FR Cite
NPRM	11/25/91	56 FR 59246
NPRM Comment Period End	02/24/92	56 FR 59246
Final Action	06/29/92	57 FR 28832

Action	Date	FR Cite
Final Action Effective	12/31/92	57 FR 28832

**Small Entities Affected:** None  
**Government Levels Affected:** Federal  
**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA95

**505. ● THREE FIPS FOR TELECOMMUNICATIONS WIRING**

**Legal Authority:** PL 100-235

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** These FIPS adopt industry standards for cost-effective planning and installation of generic, functional telecommunications wiring systems in a variety of office structures and complexes. The wiring systems developed under these standards will

facilitate the interoperability and transportability of telecommunications products and services from different suppliers. These standards were developed by the National Communications System under a delegation of authority from the General Services Administration and proposals were announced in the Federal Register (56 FR 20627, May 6, 1991, 56 FR 451, January 4, 1991, and 56 FR 20628, May 6, 1991).

**Timetable:**

Action	Date	FR Cite
Final Action	08/21/92	57 FR 37949
Final Action Effective	03/01/93	

**Small Entities Affected:** None  
**Government Levels Affected:** Federal  
**Sectors Affected:** 357 Computer and Office Equipment

**Agency Contact:** Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB04

**DEPARTMENT OF COMMERCE (DOC)**

Prerule Stage

**National Oceanic and Atmospheric Administration (NOAA)**

**NATIONAL MARINE FISHERIES SERVICE**

**506. U.S. STANDARDS FOR GRADES OF FRESH AND FROZEN FISH FILLETS**

**Legal Authority:** 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

**CFR Citation:** 50 CFR 263 subparts A to E

**Legal Deadline:** None

**Abstract:** The purpose of this notice is to invite written comments to evaluate national interest in the deletion of the current five (5) Fillet Standards for Grades and the development of a new U.S. General Standard for Grades of Fresh and Frozen Fish Fillets that would be applicable to all species.

**Timetable:**

Action	Date	FR Cite
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ANPRM 03/00/93

**Small Entities Affected:** None  
**Government Levels Affected:** None

**Agency Contact:** Thomas Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648-AD53

**507. USE OF INFORMATION COLLECTED BY VOLUNTARY FISHERY DATA COLLECTORS IN ENFORCEMENT PROCEEDINGS**

**Legal Authority:** 16 USC 1853(f)

**CFR Citation:** 15 CFR 904; 50 CFR 11; 50 CFR 12

**Legal Deadline:** None

**Abstract:** Problem: The National Marine Fisheries Service requires scientific data about the state of various fisheries in order to provide better management. In the past, much of this data has been collected by voluntary fishery data collectors placed aboard private vessels by NMFS. Owners and operators of these vessels have expressed concern that information collected by these voluntary fishery data collectors might be used against them in a subsequent enforcement proceeding, thereby affecting their willingness to take on these collectors. Solution: The newly enacted statute "restricts" the use of data obtained by voluntary fishery data collectors in subsequent enforcement proceedings brought pursuant to the Magnuson Fishery Conservation and Management Act, 16 USC 1801, the Marine Mammal Protection Act, 16 USC 1361, and the Endangered Species Act, 16 USC 1531.



DOC—NOAA

Prerule Stage

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** Regulations will likely appear at 15 CFR part 905.**Agency Contact:** Joel LaBissonniere, Attorney, Office of General Counsel-Enforcement and Litigation, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Room 7360, Silver Spring, MD 20910, 301 713-2292

RIN: 0648-AE40

**NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT****508. 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
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** Neither an RIA nor an RFA is required or will be prepared.**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of

Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648-AA33

**509. 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
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648-AB64

**510. PROPOSED REGULATIONS FOR THE FLORIDA KEYS NATIONAL MARINE SANCTUARY****Legal Authority:** 16 USC 1431 to 1434**CFR Citation:** 15 CFR 929**Legal Deadline:** Final, Statutory, May 1993.**Abstract:** These regulations are necessary for the implementation of the congressionally designated national marine sanctuary.**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Local, State**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648-AD85

**OFFICE OF THE ADMINISTRATOR****511. LICENSING OF PRIVATE REMOTE-SENSING SPACE SYSTEMS****Legal Authority:** 15 USC 4244**CFR Citation:** 15 CFR 960**Legal Deadline:** None**Abstract:** Amendments to the Land Remote Sensing Commercialization Act are pending and passage is anticipated this fall. As soon as enacted, NOAA will commence drafting conforming regulations.**Timetable:**

Action	Date	FR Cite
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ANPRM 01/18/89 54 FR 01945

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Federal**Public Compliance Cost:** Initial Cost: \$0; Yearly Recurring Cost: \$0**Agency Contact:** John A. Milholland, Senior Counselor/Satellite, Department of Commerce, National Oceanic and Atmospheric Administration, Room 603, 1825 Connecticut Avenue NW., Washington, DC 20235, 202 673-5200

RIN: 0648-AC64



## DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

## NATIONAL MARINE FISHERIES SERVICE

Highway, Silver Spring, MD 20910, 301 713-2337

RIN: 0648-AC45

## 512. POLICY TO REQUIRE OBSERVERS TO BE CARRIED ON DOMESTIC FISHING VESSELS

**Significance:** Regulatory Program**Legal Authority:** 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act**CFR Citation:** 50 CFR 620**Legal Deadline:** None**Abstract:** The policy would establish guidelines for the use of observers in the domestic fisheries managed under the Magnuson Act. The observers collect catch and effort data on fishing operations, and biological information on fish stocks and the marine ecosystem.**Timetable:**

Action	Date	FR Cite
ANPRM	06/06/88	53 FR 20661
ANPRM	07/18/88	
Comment		
Period End		
NPRM	01/00/93	
Final Action	10/00/93	
Final Action	11/00/93	
Effective		

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Sectors Affected:** 091 Commercial Fishing**Additional Information:** Following consultation with Regional Fishery Management Councils and industry representatives, the action was put on hold in February 1989 by the Assistant Administrator for Fisheries, NOAA, to await the outcome of voluntary observer programs planned by the fishing industry in Alaska waters for the 1989 and 1990 fishing seasons. Following the passage of the reauthorized Magnuson Act (11/90), the policy has been subjected to further revision and legal review to ensure consistency with congressional mandates.**Agency Contact:** Peter H. Fricke, Sociologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Fisheries Conservation & Mgmt., 1335 East-West

## 513. SCIENTIFIC RESEARCH—DOMESTIC AND FOREIGN FISHING

**Legal Authority:** 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act**CFR Citation:** 50 CFR 611; 50 CFR 620**Legal Deadline:** None**Abstract:** The rule would define scientific research under the Magnuson Act and would add several prohibitions to the general regulations governing domestic fisheries.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	
NPRM Comment	06/00/93	
Period End		
Final Action	08/00/93	
Final Action	09/00/93	
Effective		

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Sectors Affected:** 091 Commercial Fishing**Agency Contact:** Marilyn Luipold, Staff Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2292

RIN: 0648-AC61

## 514. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SEA SCALLOP FISHERY

**Significance:** Regulatory Program**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 650**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt of the amendment from the fishery management council.

**Abstract:** The amendment to the Fishery Management Plan for Atlantic sea scallops is expected to: (1) implement effort and/or vessel controls; (2) eliminate current meat count/shell height standards; and (3) define overfishing of Atlantic sea scallops as required by an amendment to 50 CFR part 602, effective August 23, 1989.**Timetable:**

Action	Date	FR Cite
NPRM	01/30/93	
NPRM Comment	03/10/93	
Period End		
Final Action	04/00/93	
Final Action	05/00/93	
Effective		

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Sectors Affected:** 091 Commercial Fishing**Agency Contact:** Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648-AC99

## 515. REVISED REGULATIONS GOVERNING PERMITS FOR THE TAKING AND IMPORTING OF MARINE MAMMALS FOR SCIENTIFIC RESEARCH AND PUBLIC DISPLAY

**Legal Authority:** 16 USC 1361 et seq, Marine Mammal Protection Act**CFR Citation:** 50 CFR 216**Legal Deadline:** None**Abstract:** The National Marine Fisheries Service is conducting the first comprehensive examination of its permit program for scientific research and public display since the passage of the Marine Mammal Protection Act in 1972 and issuance of permit regulations in 1974 (15 CFR 216). The review encompasses all aspects of permit program policy, procedures, and management concerning marine mammals under the authority of the Marine Mammal Protection Act of 1972, 16 USC 1361 et seq., and the Endangered Species Act, 16 USC 1531 et seq. At the conclusion of this permit program review, the National Marine Fisheries Service will issue proposed revised regulations governing permits for the taking and importing of marine mammals for scientific research and public display.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** None



## DOC—NOAA

## Proposed Rule Stage

**Government Levels Affected:** Federal

**Agency Contact:** Art Jeffers, Chief, Public Display and Education Branch, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2289

RIN: 0648-AD11

**516. AMENDMENT 15 TO THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA AND ALEUTIAN ISLANDS AND AMENDMENT 20 TO THE FMP FOR GROUND FISH OF THE GULF OF ALASKA**

**Legal Authority:** 16 USC 1801 et seq; 16 USC 971 et seq; 16 USC 1361 et seq; 22 USC 1971 et seq; 5 U.S.T. 5; TIAS 2900; 16 USC 773 to 773k

**CFR Citation:** 50 CFR 611; 50 CFR 672; 50 CFR 675; 50 CFR 301; 50 CFR 676

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** These amendments would provide for limited access systems for the sablefish fishery and the Pacific halibut fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Sectors Affected:** 091 Commercial Fishing

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, PO Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AD19

**517. REGULATIONS GOVERNING THE TAKE OF DOLPHINS INCIDENTAL TO REMOVING OIL AND GAS PLATFORMS IN THE GULF OF MEXICO**

**Legal Authority:** 16 USC 1371(a)(5)

**CFR Citation:** 50 CFR 228

**Legal Deadline:** None

**Abstract:** NMFS has received an amended request from the American Petroleum Institute for the take of bottlenose and spotted dolphins incidental to the removal of oil and gas platforms in the Gulf of Mexico. This activity would be allowed under Section 101(a)(5) of the Marine Mammal Protection Act if the Service makes certain findings and if regulations are issued that cover monitoring and reporting.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	03/00/93	
Final Action Effective	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert Ziobro, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2323

RIN: 0648-AD25

**518. APPROACHING MARINE MAMMALS**

**Legal Authority:** 16 USC 1540(f); 16 USC 1361

**CFR Citation:** 50 CFR 216; 50 CFR 218; 50 CFR 222

**Legal Deadline:** None

**Abstract:** This rule will establish a minimum distance for approaches to marine mammals by humans, vessels, aircraft, and thrillcraft. These regulations are considered necessary because of the increasing popularity of whale watching and similar activities. Guidelines have not been effective in protecting marine mammals from this growing industry and from individuals wishing to view these animals too closely. An interim regulation regarding approaching humpback whales in Hawaii is working far better than previously used guidelines.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/92	57 FR 34101
NPRM Comment Period End	10/02/92	
Final Action	03/00/93	
Final Action Effective	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Margaret Lorenz, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2322

RIN: 0648-AD30

**519. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERY**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 651

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the New England Fishery Management Council.

**Abstract:** Amendment 5 to the Northeast Multispecies Fishery Management Plan will establish significantly tighter effort controls to allow rebuilding of groundfish stocks, especially cod, haddock, and yellowtail flounder. It will also address the percent maximum spawning potential targets established by the FMP as defining overfishing. The timeframe and rebuilding strategy to achieve targets will be established by Amendment 5. Emphasis will be on an overall reduction in fishing effort.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	
Final Action	04/00/93	
Final Action Effective	05/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Sectors Affected:** 091 Commercial Fishing



DOC—NOAA

Proposed Rule Stage

**Agency Contact:** Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

**RIN:** 0648-AD33

**520. PROCEDURE FOR SETTING QUOTAS ON REMOVAL OF ATLANTIC BOTTLENOSE DOLPHINS FROM THE WATERS OF THE GULF OF MEXICO AND FLORIDA'S EAST COAST**

**Legal Authority:** 16 USC 1361

**CFR Citation:** 50 CFR 216

**Legal Deadline:** None

**Abstract:** Regulations will establish a procedure for setting and revising quotas to govern the removal of Atlantic bottlenose dolphins (*Tursiops truncatus*) from the Gulf of Mexico and Florida's east coast. Regulations will be supported by an EIS that will provide a comprehensive review of the status of stocks of bottlenose dolphins in the southeast region and the validity of the 2 percent rule for determining the allowable take to the extent reliable data are available. These regulations and quotas will take into account other types of taking such as those that may occur incidentally to commercial fisheries.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/31/90	55 FR 22042
ANPRM	07/02/90	
Comment		
Period End		
NPRM	02/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Aleta Hohn, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2289

**RIN:** 0648-AD39

**521. GROUND FISH OF THE GULF OF ALASKA AND GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREAS; REGULATORY AMENDMENT—STANDARD PRODUCT RECOVERY RATES FOR GROUND FISH**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** Product recovery rates are used to calculate weights of whole groundfish from weights of finished product. These product recovery rates will be published in the Federal Register for public comment.

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/91	56 FR 4029
NPRM Comment	03/04/91	
Period End		
Second NPRM	10/00/92	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AD44

**522. AMENDMENT 18 TO THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA AND ALEUTIAN ISLANDS AND AMENDMENT 23 TO THE FMP FOR GROUND FISH OF THE GULF OF ALASKA**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** These amendments would provide for separate allocations of groundfish for offshore processors and processors that are on or near the shore.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/91	56 FR 66009
NPRM Comment	02/03/92	
Period End		
Final Rule	06/01/92	
Effective Date		
Final Rule	06/03/92	57 FR 23321
NPRM	10/00/92	
Resubmitted		
Portion of		
Amendment 18		
NPRM Comment	11/00/92	
Period End		
Resubmitted		
Portion of		
Amendment 18		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AD50

**523. REGULATORY AMENDMENT TO ESTABLISH NORTH PACIFIC FISHERIES RESEARCH PLAN; FEES FOR DOMESTIC OBSERVERS**

**Legal Authority:** 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** Establishes a Northern Pacific Research Plan and a fee system for funding of domestic observers.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	01/00/93	
Period End		
Final Action	03/00/93	
Final Action	04/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AD80



## DOC—NOAA

## Proposed Rule Stage

**524. FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE SOUTH ATLANTIC****Significance:** Regulatory Program**Legal Authority:** 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act**CFR Citation:** 50 CFR 658**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** This FMP will establish objectives, management measures, and definitions to manage and conserve the white shrimp resource of the EEZ off the South Atlantic coast. One management measure that may be included will close Federal waters at the same time as State waters of Georgia and South Carolina to protect white shrimp. The FMP will also define overfishing for white shrimp in the South Atlantic.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	04/00/93	
Period End		
Final Action	06/00/93	
Final Action	07/00/93	
Effective		

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141**RIN:** 0648-AD86**525. FISHERY MANAGEMENT PLAN FOR THE QUEEN CONCH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS****Legal Authority:** 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act**CFR Citation:** Not yet determined**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** This FMP will establish management measures to rebuild the queen conch resource, including size and bag limits (for personal harvest).**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141**RIN:** 0648-AD91**526. CERTIFICATE OF LEGAL ORIGIN FOR ANADROMOUS FISH PRODUCTS****Legal Authority:** PL 101-627, Sec 801; Fishery Conservation Amendments of 1990**CFR Citation:** 50 CFR 247**Legal Deadline:** Final, Statutory, May 27, 1991.

Final regulations are required by PL 101-627, Section 801(d) within 180 days of November 28, 1990, provided an agreement is in place with another country under section 801(a) of PL 101-627.

**Abstract:** The regulation will provide for the issuance of Certificates of Legal Origin for anadromous fish and anadromous fish products legally harvested by vessels of the United States. The certificates will be issued pursuant to agreements between the United States and other countries negotiated under section 801(a) of PL 101-627.**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** These regulations cannot be put into effect until the United States enters into an agreement with another country under section 801(a) of PL 101-627. The Department of State has not yet

negotiated such an agreement. Accordingly, there is no timetable for implementing these regulations.

**Agency Contact:** Alan Mager, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, Office of Enforcement, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2300**RIN:** 0648-AD93**527. REGULATORY AMENDMENT TO IMPLEMENT A COMPREHENSIVE DATA COLLECTION PROGRAM FOR U.S. FISHING VESSELS AND CERTAIN HARVESTING VESSELS FOR THE PACIFIC COAST GROUND FISH FISHERY****Legal Authority:** 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act**CFR Citation:** 50 CFR 663**Legal Deadline:** None**Abstract:** Regulations would implement a comprehensive data collection and regulatory program for all processing vessels longer than 125 feet and for all harvesting vessels that deliver their catch to those vessels in the groundfish fishery off Washington, Oregon, and California. This program would consist of: (1) a requirement that processing vessels carry NMFS-certified observers; (2) a requirement for a mandatory Federal permit; (3) recordkeeping and reporting requirements; and (4) a definition for "fishing trip" for processing vessels over 125 feet in length for the purpose of applying trip landing and frequency limits.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	10/00/92	
Period End		
Final Action	12/00/92	
Final Action	01/00/93	
Effective		

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Rolland A. Schmitt, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070, 206 526-8150**RIN:** 0648-AE01



DOC—NOAA

Proposed Rule Stage

**528. AMENDMENT 11 TO THE FMP FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COAST OF WASHINGTON, OREGON, AND CALIFORNIA**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

**CFR Citation:** 50 CFR 661

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** Amendment 11 will: (1) establish a permanent recreational subarea and allocation between Cape Alava and the Queets River, Washington; (2) provide flexibility in preseason recreational coho harvest distributions north of Cape Falcon, Oregon (primarily between the Westport and Columbia River subareas); and (3) establish independent management of the Columbia River subarea.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	02/00/93	
Final Action	04/00/93	
Final Action Effective	05/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

**RIN:** 0648-AE05

**529. NONTRAWL SABLEFISH SEASON REGULATORY AMENDMENT UNDER THE PACIFIC COAST GROUND FISH FMP**

**Legal Authority:** 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

**CFR Citation:** 50 CFR 663

**Legal Deadline:** None

**Abstract:** This regulatory amendment would establish a flexible opening date

for the regular season for the nontrawl sablefish fishery off Washington, Oregon, and California to correspond to 3 days before the opening of the Alaska fishery, with 72-hour closures both before and after the regular season.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	

**Small Entities Affected:** Businesses

**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., Bldg. 1, Seattle, WA 98115, 206 526-6150

**RIN:** 0648-AE07

**530. SECRETARIAL AMENDMENT TO THE FMP FOR ATLANTIC SWORDFISH**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

**CFR Citation:** 50 CFR 630

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after beginning of review.

**Abstract:** PL 101-627 (signed into law November 7, 1990) transferred full responsibility for the management of swordfish, including preparation of fishery management plans and amendments, from the regional fishery management councils to the Secretary of Commerce. The Secretary will prepare an amendment to the FMP for Atlantic swordfish that will reduce fishing mortality, prevent overfishing, rebuild an overexploited resource, and be consistent with conservation measures recommended by the International Commission for the Conservation of Atlantic Tunas. The existing FMP management measures remain in effect until superseded by Secretarial actions.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment Period End	05/00/93	
Final Action	08/00/93	

Action	Date	FR Cite
Final Action Effective	09/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

**RIN:** 0648-AE09

**531. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH AND SEAMOUNT GROUND FISH FISHERIES OF THE WESTERN PACIFIC REGION**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 683

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days from receipt from the fishery management council.

**Abstract:** Amendment 5 would establish a single limited entry zone in the fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	02/00/93	
Final Action	04/00/93	
Final Action Effective	05/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

**RIN:** 0648-AE20



## DOC—NOAA

## Proposed Rule Stage

**532. AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 642**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** Amendment 6 will: (1) allow the earned income requirement for a commercial vessel permit for king or Spanish mackerel to be met in one of the 3 years preceding the permit application; (2) change the fishing year for the recreational bag limits to the calendar year; (3) remove the provision for changing the recreational bag limit to zero during a fishing year; (4) increase the minimum size for king mackerel to 20 inches; (5) implement commercial vessel trip limits for Atlantic migratory group Spanish mackerel; (6) specify periods for rebuilding overfished stocks; (7) change the required frequency of stock assessments from annually to biennially; (8) add to the management measures that may be implemented or modified by the framework procedure; and (9) provide for the establishment of separate subgroups and allocations for Gulf-group king mackerel.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/92	57 FR 38810
NPRM Comment Period End	10/08/92	
Final Action	11/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

**RIN:** 0648-AE23**533. REGULATORY AMENDMENT PROHIBITING LANDING OF SURF CLAMS AND OCEAN QUAHOGS ON THE SAME TRIP AND REQUIRING TRIP NOTIFICATION****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50.CFR 652**Legal Deadline:** None

**Abstract:** This regulatory amendment would prohibit the landing of surf clams and ocean quahogs on the same trip under the Mid-Atlantic Surf Clam and Ocean Quahog FMP. For individuals holding individual transferable quotas (ITQs) for both surf clams and ocean quahogs, mixing of the harvest of these species on the same trip may lead to misreporting of the catch and overrun of individual quotas. The Regional Director would be authorized to require vessel operators to specify whether they intended to fish for surf clams or ocean quahogs on a specified trip. This amendment would also mandate certain trip notifications.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9200

**RIN:** 0648-AE27**534. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION****Significance:** Regulatory Program**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 685**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** Amendment 7 will authorize the Director, Southwest Region, NMFS, to require federally permitted longline

fishing vessels to carry NMFS observers to collect scientific data.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	
Final Action	01/00/93	
Final Action Effective	02/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

**RIN:** 0648-AE35**535. GENERAL PROVISIONS FOR DOMESTIC FISHERIES****Legal Authority:** 16 USC 1801-81 Magnuson Act**CFR Citation:** 50 CFR 620**Legal Deadline:** None

**Abstract:** The amendments to the Magnuson Act of November 14, 1990, added several new prohibitions such as the ban on large-scale driftnet fishing and the prohibition on assaulting observers. The regulations at 50 CFR 620 contain the prohibitions that apply generally to domestic fishing regulated under the Magnuson Act. The regulations must be amended to reflect the recent amendments to the Magnuson Act and to update and improve current language generally. The alternative would be to leave the regulatory language as it is now. This would be unacceptable because it would leave the regulation out of date and inconsistent with the current statutory language. The benefits would be to improve the current regulations and to clarify the scope of the new statutory language. There are no potential costs identified.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined



## DOC—NOAA

## Proposed Rule Stage

**Agency Contact:** Patricia Kraniotis, Staff Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, Office of General Counsel, 1335 East-West Highway, Room 7360, Silver Spring, MD 20910, 301 713-2292

**RIN:** 0648-AE39

### 536. ● FISHERY MANAGEMENT PLAN FOR CORALS AND ASSOCIATED INVERTEBRATES OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** Not yet determined

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

**Abstract:** This fishery management plan will contain measures to protect and rebuild the coral resources that include: (1) prohibition on the collection of certain species; (2) habitat protection; (3) prohibition of diving, anchoring, and other activities on the coral reef tract; (4) setting aside coral reefs for a natural reserve; (5) gear restrictions; (6) prohibition on the use of drugs and explosives in the fishery; and (7) reporting requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment	06/00/93	
Period End		
Final Action	07/00/93	
Final Action	08/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

**RIN:** 0648-AE47

### 537. ● AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

**CFR Citation:** 50 CFR 685

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the Regional Fishery Management Council.

**Abstract:** Amendment 8 will require federally permitted longline vessels based in Hawaii to install and maintain automated vessel tracking devices.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment	06/00/93	
Period End		
Final Action	08/00/93	
Final Action	09/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Gary Matlock, Acting Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802, 310 980-4001

**RIN:** 0648-AE48

### 538. ● AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

**CFR Citation:** 50 CFR 658

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the Regional Fishery Management Council.

**Abstract:** Amendment 6 proposes to: (1) close all or a portion of the EEZ off Texas to shrimp trawling in conjunction with the closure of the State of Texas waters; (2) define and prevent overfishing of white shrimp; (3) eliminate the required annual report on the Tortugas Sanctuary; (4) eliminate the required annual NMFS report, review, and action by the Council on the Texas Closure; (5) require vessels

trawling for shrimp in the EEZ to have an annual Federal permit; and (6) require observers aboard vessels selected by the Science Director to record catch of shrimp and bycatch.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment	06/00/93	
Period End		
Final Action	07/00/93	
Final Action	08/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

**RIN:** 0648-AE49

### 539. ● FISHERY MANAGEMENT PLAN FOR ATLANTIC HERRING

**Legal Authority:** 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

**CFR Citation:** 50 CFR 648

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the Regional Fishery Management Council.

**Abstract:** This fishery management plan would implement management measures for Atlantic herring in the EEZ off New England and the Mid-Atlantic States.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	04/00/93	
Period End		
Final Action	05/00/93	
Final Action	06/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Richard B. Roe, Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric



DOC—NOAA

Proposed Rule Stage

Administration, One Blackburn Drive,  
Gloucester, MA 01930, 508 281-9300

RIN: 0648-AE50

**540. ● AMENDMENT 6 TO THE  
FISHERY MANAGEMENT PLAN FOR  
THE SNAPPER-GROUPER FISHERY  
OF THE SOUTH ATLANTIC**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 646

**Legal Deadline:** NPRM, Statutory. Final,  
Statutory.

NPRM 15 days and final action 110  
days after receipt from a Regional  
Fishery Management Council.

**Abstract:** This amendment would  
address: (1) specifications of allowable  
gear; (2) Federal permit requirement for  
dealers; (3) moratorium on commercial  
permits for entire fishery not to exceed  
5 years; and (4) procedures for setting  
TAC for deep-water groupers, tilefish,  
and amberjack.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	
NPRM Comment Period End	08/00/93	
Final Action	10/00/93	
Final Action Effective	11/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Andrew J. Kemmerer,  
Director, Southeast Region, NMFS,  
Department of Commerce, National  
Oceanic and Atmospheric  
Administration, 9450 Koger Blvd., St.  
Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE51

**541. ● AMENDMENT 7 TO THE  
FISHERY MANAGEMENT PLAN FOR  
THE SNAPPER-GROUPER FISHERY  
OF THE SOUTH ATLANTIC**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 646

**Legal Deadline:** NPRM, Statutory. Final,  
Statutory.

NPRM 15 days and final action 110  
days after receipt from a Regional  
Fishery Management Council.

**Abstract:** This amendment would  
evaluate the establishment of a four-  
part ITQ system to be grouped as  
follows: (1) deep-water groupers; (2)  
amberjack; (3) shallow-water groupers,  
snappers, and other species north of  
Cape Canaveral; and (4) shallow-water  
species south of Cape Canaveral.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/93	
NPRM Comment Period End	10/00/93	
Final Action	12/00/93	
Final Action Effective	01/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Andrew J. Kemmerer,  
Director, Southeast Region, NMFS,  
Department of Commerce, National  
Oceanic and Atmospheric  
Administration, 9450 Koger Blvd., St.  
Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE52

**542. ● AMENDMENT 2 TO THE  
FISHERY MANAGEMENT PLAN FOR  
SHALLOW-WATER REEF FISH OF  
PUERTO RICO AND THE U.S. VIRGIN  
ISLANDS**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 669

**Legal Deadline:** NPRM, Statutory. Final,  
Statutory.

NPRM 15 days and final action 110  
days after receipt from a Regional  
Fishery Management Council.

**Abstract:** To rebuild the resources, the  
following management measures will be  
implemented: (1) expand the  
management unit to include deep-water  
reef fish, and tropical fish and  
aquarium species; (2) prohibit the  
possession and harvest of jewfish and  
red grouper; (3) provide for the closure  
of two additional red hind spawning  
aggregation areas, as well as closure of  
a mutton snapper and tiger grouper  
spawning aggregation area; (4) establish  
marine reef reserves; (5) modify fish  
trap restrictions; (6) prohibit the use of  
destructive methods of harvesting  
species in the marine aquarium fishery;  
and (7) institute permitting and  
reporting requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	
Final Action	04/00/93	
Final Action Effective	05/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Andrew J. Kemmerer,  
Director, Southeast Region, NMFS,  
Department of Commerce, National  
Oceanic and Atmospheric  
Administration, 9450 Koger Blvd., St.  
Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE53

**543. ● SEA TURTLE CONSERVATION  
MEASURES FOR THE SUMMER  
FLOUNDER FISHERY**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 217; 50 CFR 227

**Legal Deadline:** None

**Abstract:** NMFS proposes to protect  
sea turtles through the implementation  
of sea turtle conservation measures on  
the summer flounder fishery. Between  
November 26, 1990, and December 7,  
1990, 54 sea turtles were stranded on  
North Carolina beaches. The North  
Carolina Division of Marine Fisheries  
closed State waters to summer flounder  
bottom trawling, which was implicated  
in the strandings from Cape Hatteras  
Light to Ocracoke Inlet on December 7,  
1990. On December 26, 1990, waters  
were opened to trawlers pulling  
experimental turtle excluder devices  
(TEDs) until early January, at which  
time turtles were no longer encountered  
in North Carolina waters and fishing  
without TEDs was allowed. Because of  
new information collected during the  
1990 stranding events, a section 7  
consultation was reinitiated and  
resulted in a finding that the  
unrestricted operation of the fishery  
jeopardizes the continued existence of  
the endangered sea turtles. Currently,  
sea turtles are protected by an  
emergency interim regulation which will  
expire after the 1991-1992 season of the  
summer flounder fishery.



DOC—NOAA

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	07/10/92	57 FR 30709
ANPRM	08/08/92	
Comment		
Period End		
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	01/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Public Compliance Cost:** Initial Cost: \$25,000; Yearly Recurring Cost: \$12,500; Base Year for Dollar Estimates: 1992

**Analysis:** Regulatory Flexibility Analysis

**Agency Contact:** Phil Williams, National Sea Turtle Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1335 East-West Highway, SSMC#1, Silver Spring, MD 20910, 301 713-2322

**RIN:** 0648-AE54

**544. ● PACIFIC WHITING ALLOCATION REGULATORY AMENDMENT FOR 1993**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 663

**Legal Deadline:** None

**Abstract:** This regulatory amendment would implement a new whiting allocation for 1993.

**Timetable:**

Action	Date	FR Cite
NPRM	01/15/93	
NPRM Comment	02/15/93	
Period End		
Final Action	03/15/93	
Final Action	04/15/93	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Rolland A. Schmitten, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, 206 526-8150

**RIN:** 0648-AE55

**545. ● REGULATORY AMENDMENT FOR RED SNAPPER MANAGEMENT IN 1993 UNDER THE GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 641

**Legal Deadline:** Other, Statutory. Existing regulations at 50 CFR part 641 require annual adjustment of management measures by January 1 of each year to accomplish goals of the FMP.

**Abstract:** This regulatory amendment, under the annual adjustment of management measures framework of Amendment 1 to the FMP, would modify red snapper management measures for the 1993 fishing season.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	12/00/92	
Final Action	01/00/93	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

**RIN:** 0648-AE57

**546. ● AMENDMENT 5 TO THE GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 641

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and Final Action 110 days from receipt from a Regional Fishery Management Council.

**Abstract:** Amendment 5 to the Gulf of Mexico Reef Fish Fishery Management Plan would modify gear restrictions, modify restricted area boundaries, and establish special management areas off Alabama.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	12/00/92	
Period End		
Final Action	02/00/93	
Final Action	03/00/93	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

**RIN:** 0648-AE58

**547. ● MORATORIUM ON ENTRY INTO GROUND FISH FISHERIES OF THE GULF OF ALASKA AND BERING SEA AND ALEUTIAN ISLANDS**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 611; 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** Establishes a limit on entry into the groundfish fisheries off Alaska to the current permit holders as the first step in addressing the overcapitalized groundfish fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	01/00/93	
Final Action	02/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P. O. Box 21668, Juneau, AK 99802, 907 588-7221

**RIN:** 0648-AE62



DOC—NOAA

Proposed Rule Stage

**548. ● GROUND FISH OF THE GULF OF ALASKA AND GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS; REGULATORY AMENDMENT TO REVISE REQUIREMENTS FOR REPORTING AND RECORDKEEPING**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 611; 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** Revises requirements for reporting and recordkeeping for harvesting and processing of groundfish off Alaska; provides authority to collect information with new forms.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P. O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AE63

**549. ● SABLEFISH ALLOCATION REGULATORY AMENDMENT FOR 1993**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 663

**Legal Deadline:** None

**Abstract:** This regulatory amendment would allocate sablefish between the two gear groups -- trawlers and non-trawlers. In recent years, the allocation has been 42 percent non-trawl, 58 percent trawl.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Rolland A. Schmitten, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

**RIN:** 0648-AE64

**550. ● PACIFIC WHITING SEASON REGULATORY AMENDMENT FOR 1993**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 663

**Legal Deadline:** None

**Abstract:** This regulatory amendment would establish separate opening dates for the shore-side and at-sea processing segments of the whiting fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Rolland A. Schmitten, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

**RIN:** 0648-AE65

**551. ● SEAFOOD INSPECTION**

**Significance:** Regulatory Program

**Legal Authority:** 7 USC 1621 to 1632; 16 USC 742a to 742j

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** The Food and Drug Administration and NOAA are developing a voluntary, fee-for-service seafood inspection program to be operated by both agencies. The agencies are developing and operating the program in four phases (domestic finfish and shellfish processors, retail, foreign products and molluscan shellfish). Each of these phases is being developed in cooperation with the

industry and includes pilot testing before formal implementation.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/27/90	55 FR 26334
ANPRM Comment Period End	10/05/90	55 FR 36289
NPRM	10/00/92	
Final Action	06/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Richard Cano, Office of Trade and Industry Services, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2355

**RIN:** 0648-AE76

**552. ● SEA TURTLE MONITORING AND CONSERVATION MEASURES FOR NONSHRIMP TRAWLERS**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 217; 50 CFR 222; 50 CFR 227

**Legal Deadline:** None

**Abstract:** All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973. The shrimp industry in the southeast region of the United States is by far the leading cause of human-induced mortality to sea turtles in the water. A recent study by the National Academy of Sciences concluded that nonshrimp fisheries constitute the second largest source of mortality of juvenile to adult sea turtles. NMFS is soliciting public comment and information on nonshrimp fisheries for which sea turtle conservation measures are needed and on appropriate monitoring and conservation measures that shall be imposed to protect sea turtles.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/10/92	57 FR 30709
Next Action	Undetermined	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Nancy Foster, Director, Office of Protected Resources,



DOC—NOAA

Proposed Rule Stage

Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2332  
**RIN: 0648-AE77**

**553. ● REGULATORY AMENDMENT ON INTERACTIVE COMMUNICATIONS IN THE GROUND FISH FISHERIES OF THE GOA AND BSAI**

**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 672; 50 CFR 675  
**Legal Deadline:** None

**Abstract:** This amendment will determine requirements for interactive communications in the groundfish fisheries of the Gulf of Alaska and Bering Sea and Aleutian Islands area to enhance reporting and recordkeeping.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	02/00/93	
Period End		
Final Action	04/00/93	
Final Action	05/00/93	
Effective		

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221  
**RIN: 0648-AE78**

**554. ● REGULATORY AMENDMENT FOR GROUND FISH OF THE GOA AND BSAI TO PROVIDE AN ANALYSIS OF THE SITKA BLOCK PROPOSAL**

**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 672; 50 CFR 675  
**Legal Deadline:** None

**Abstract:** This action would provide an analysis of the Sitka Block proposal concerning individual transferable quotas (IFQs) and the 1,000-pound "floor." The intent is to prevent excessive consolidation under the IFQ system and to establish a 1,000-pound minimum quota holding to allow more potential quota shares for smaller fishing operations.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment	04/00/93	
Period End		
Final Action	07/00/93	
Final Action	09/00/93	
Effective		

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN: 0648-AE79**

**555. ● REGULATORY AMENDMENT TO THE FMP FOR GROUND FISH OF THE BSAI TO INCORPORATE COMMUNITY DEVELOPMENT QUOTA CRITERIA**

**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 675

**Legal Deadline:** None

**Abstract:** This amendment would incorporate the program criteria for the Community Development Quota in the management of pollock in the Bering Sea and Aleutian Islands area. This will set aside 7.5 percent of the BSAI pollock total allowable catch (TAC) for allocation to communities that qualify under the program criteria.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/92	57 FR 46139
NPRM Comment	10/23/92	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** Businesses  
**Government Levels Affected:** Local

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN: 0648-AE80**

**556. ● REGULATORY AMENDMENT TO DEFINE PELAGIC TRAWL IN THE ALASKA GROUND FISH FISHERIES**

**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** This action would institute a new pelagic trawl definition for the Alaska fisheries to further clarify gear types for enforcement and closure purposes and to ensure that fishermen are certain what gear-type closures apply to them.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	01/00/93	
Final Action	03/00/93	
Effective		

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN: 0648-AE81**

**557. ● TOTAL ALLOWABLE CATCH (TAC) DETERMINATION FOR ATLANTIC SWORDFISH FOR 1993**

**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 630

**Legal Deadline:** None

**Abstract:** This action will establish the total allowable catch (TAC) for 1993 for Atlantic swordfish for conservation purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	02/00/93	
Period End		
Final Action	03/00/93	
Final Action	04/00/93	
Effective		

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Agency Contact:** Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Hwy., Silver Spring, MD 20910, 301 713-2334

**RIN: 0648-AE82**



DOC—NOAA

Proposed Rule Stage

### 558. ● ATLANTIC BLUEFIN TUNA PERMIT AND REPORTING REQUIREMENTS, CERTIFICATE OF ORIGIN REQUIREMENTS AND OTHER REGULATORY PROVISIONS

**Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq

**CFR Citation:** 50 CFR 285

**Legal Deadline:** None

**Abstract:** The number of participants in the angling category of the bluefin tuna fishery is only roughly known. International commitments will require "certificates of origin" to accompany all Atlantic bluefin imported into and exported from the United States. Additional regulatory adjustments to the Atlantic bluefin tuna regulations may be required.

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	02/00/93	
Final Action	03/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Hwy., Silver Spring, MD 20910, 301 713-2334

**RIN:** 0648-AE83

### 559. ● REGULATORY AMENDMENT FOR MUTTON SNAPPER IN THE GULF OF MEXICO

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 641

**Legal Deadline:** None

**Abstract:** Under the framework procedures of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, this action will institute a May-June spawning season area closure for mutton snapper and prohibit Gulf-wide landings of that species during that time.

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	12/00/92	
Final Action	01/00/93	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

**RIN:** 0648-AE84

### 560. ● REGULATORY AMENDMENT TO TRAWL AND FIXED GEAR PROVISIONS IN THE PACIFIC COAST GROUND FISH FISHERY

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 663

**Legal Deadline:** None

**Abstract:** This regulatory amendment would revise trawl and fixed gear regulations in the Pacific Coast groundfish fishery under the Pacific Coast Groundfish FMP.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment	05/00/93	
Period End		
Final Action	07/00/93	
Final Action	08/00/93	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Rolland A. Schmitt, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

**RIN:** 0648-AE85

### 561. ● FOREIGN FISHING POUNDAGE AND PERMIT FEES FOR 1993

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 611.22

**Legal Deadline:** None

**Abstract:** This rule will set poundage and permit fees for 1993.

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	12/00/92	
Final Action	01/00/93	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Alfred J. Bilik, Chief, Operations Support and Analysis Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Hwy., Silver Spring, MD 20910, 301 713-2337

**RIN:** 0648-AE86

### 562. ● REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR AMERICAN LOBSTER

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 649

**Legal Deadline:** None

**Abstract:** This action would allow the use of bungee cord that is attached with nonstainless/uncoated ferrous material to be used as a trap door fastener.

#### Timetable:

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	04/00/93	
Period End		
Final Action	06/00/93	
Final Action	07/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

**RIN:** 0648-AE87

### 563. ● AMENDMENT 26A TO THE FMP FOR GROUND FISH OF THE GOA

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672

**Legal Deadline:** NPRM, Statutory. Final, Statutory.



## DOC—NOAA

## Proposed Rule Stage

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** This amendment to the FMP would prohibit or restrict the use of trawl gear east of 140 degrees W longitude. The intent is to provide protection for bottom habitat.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	
Final Action	03/00/93	
Final Action Effective	05/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AE88

**564. ● REGULATORY AMENDMENT TO ADD SOUTH CAROLINA SMZS UNDER THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 646

**Legal Deadline:** None

**Abstract:** This amendment will add South Carolina's special management zones (SMZs) to the regulations implementing the FMP for Snapper-Grouper resources of the South Atlantic region.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450

Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

**RIN:** 0648-AE89

**565. ● AMENDMENT 26 TO THE FMP FOR GROUND FISH OF THE GOA**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** This amendment would extend the sunset date for king crab protection near Kodiak Island in the Gulf of Alaska.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	01/00/93	
Final Action Effective	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AE90

**566. ● REGULATORY AMENDMENT TO THE FMP FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC TO ALLOW MULTIPLE GEARS**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 646

**Legal Deadline:** None

**Abstract:** This amendment will: (1) allow the use of multiple gears on a single trip; (2) remove bag limit restrictions for bycatch; and (3) define the dimensions of a black sea bass pot. This amendment will also implement a number of miscellaneous adjustments under the framework procedure established under the FMP.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	10/00/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33703, 813 893-3141

**RIN:** 0648-AE91

**567. ● AMENDMENT 7 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 663

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days from receipt from a fishery management council.

**Abstract:** Amendment 7 to the Pacific Coast Groundfish FMP would provide framework authority to regulate the groundfish fishery to protect non-groundfish species. Salmon by catch in the whiting fishery may specifically be included under the framework.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	12/00/92	
Final Action	02/00/93	
Final Action Effective	03/00/93	

**Small Entities Affected:** Businesses

**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., Bldg. 1, Seattle, WA 98115, 206 526-6150

**RIN:** 0648-AE93



## DOC—NOAA

## Proposed Rule Stage

**568. ● REGULATORY AMENDMENT TO REQUIRE VESSEL OPERATORS AND RELIEF OPERATORS WITH MAU ZONE BOTTOMFISHING PERMITS TO ATTEND A PROTECTED SPECIES WORKSHOP****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 683**Legal Deadline:** None**Abstract:** This rule would require all primary operators and relief operators intending to fish for bottomfish within the Mau Zone of the Northwestern Hawaiian Islands to complete a protected species workshop conducted by NMFS.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001**RIN:** 0648-AE94**569. ● REGULATORY AMENDMENT REQUIRING COMPLETION AND SUBMISSION OF LOGBOOKS BY FEDERALLY PERMITTED VESSEL OPERATORS IN THE NORTHWESTERN HAWAIIAN ISLANDS BOTTOMFISH FISHERY****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 683**Legal Deadline:** None**Abstract:** This regulatory amendment will require operators of vessels with Federal permits to fish in the Northwestern Hawaiian Islands to maintain and submit to NMFS logbooks with detailed data on catch and effort.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	

Action	Date	FR Cite
Final Action Effective	01/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802, 310 980-4001**RIN:** 0648-AE95**570. ● AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE SUMMER FLOUNDER FISHERY****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 625**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** Amendment 3 would add scup and black sea bass to the management unit and retitle the Fishery Management Plan for Summer Flounder to include scup and black sea bass.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment Period End	05/00/93	
Final Action	06/00/93	
Final Action Effective	07/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300**RIN:** 0648-AE96**571. ● REGULATORY AMENDMENT TO ESTABLISH "HOT SPOT" CLOSURES FOR SALMON IN THE BSAI****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 675**Legal Deadline:** None**Abstract:** This action would establish salmon "hot spot" closures in the Bering Sea and Aleutian Islands Area. The intent is to give the Director, Alaska Region, NMFS, authority to close certain areas (hot spots) that are experiencing high salmon bycatch rates, rather than having to close the entire BSAI.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment Period End	03/00/93	
Final Action	05/00/93	
Final Action Effective	06/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221**RIN:** 0648-AE97**572. ● AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 642**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** Amendment 7 will change the boundaries for king and Spanish mackerel in the Gulf of Mexico and South Atlantic.**Timetable:**

Action	Date	FR Cite
NPRM	08/00/93	
NPRM Comment Period End	10/00/93	
Final Action	11/00/93	
Final Action Effective	12/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and



## DOC—NOAA

## Proposed Rule Stage

Atmospheric Administration, 9450  
Koger Blvd., St. Petersburg, FL 33702,  
813 893-3141

RIN: 0648-AE98

**573. ● AMENDMENT 7 TO THE  
NORTHERN ANCHOVY FISHERY  
MANAGEMENT PLAN**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 662

**Legal Deadline:** NPRM, Statutory. Final,  
Statutory.

NPRM 15 days and final action 110  
days after receipt from the fishery  
management council.

**Abstract:** Amendment 7 will  
incorporate species of coastal pelagics  
into the management unit of the FMP.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/93	
NPRM Comment Period End	10/00/93	
Final Action	12/00/93	
Final Action Effective	01/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Gary Matlock, Acting  
Director, Southwest Region, Department  
of Commerce, National Oceanic and  
Atmospheric Administration, 501 West  
Ocean Blvd., Suite 4200, Long Beach,  
CA 90802, 310 980-4001

RIN: 0648-AE99

**574. ● REGULATORY AMENDMENT  
TO REQUIRE OFFLOADING OF  
PROHIBITED SPECIES CAUGHT  
SEAWARD OF THE EEZ; GROUND FISH  
FISHERIES OF THE GOA AND BSAI**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** This amendment would  
require offloading of prohibited species  
caught seaward of the EEZ for  
enforcement purposes. This action  
would allow improved enforcement of  
legally retained Pacific halibut by  
distinguishing between prohibited  
species legally caught seaward of the  
EEZ and those that were not.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Steven Pennoyer,  
Director, Alaska Region, Department of  
Commerce, National Oceanic and  
Atmospheric Administration, P.O. Box  
21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF00

**575. ● AMENDMENT 5 TO THE  
FISHERY MANAGEMENT PLAN FOR  
ATLANTIC MACKEREL, SQUID, AND  
BUTTERFISH**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 655

**Legal Deadline:** NPRM, Statutory. Final,  
Statutory.

NPRM 15 days and final action 110  
days after receipt from the fishery  
management council.

**Abstract:** Amendment 5 would  
establish a moratorium on entry of  
vessels and add a requirement for  
mandatory reporting.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment Period End	05/00/93	
Final Action	06/00/93	
Final Action Effective	07/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Richard B. Roe,  
Director, Northeast Region, Department  
of Commerce, National Oceanic and  
Atmospheric Administration, One  
Blackburn Drive, Gloucester, MA 01930,  
508 281-9200

RIN: 0648-AF01

**576. ● REGULATORY AMENDMENT  
TO PROHIBIT BOTTOM TRAWLING  
ADJACENT TO THE PRIBILOF  
ISLANDS**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 675

**Legal Deadline:** None

**Abstract:** This action would prohibit  
bottom trawling adjacent to the Pribilof  
Islands to prevent excessive king crab  
bycatch in the area.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	
Final Action	03/00/93	
Final Action Effective	05/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Steven Pennoyer,  
Director, Alaska Region, Department of  
Commerce, National Oceanic and  
Atmospheric Administration, P. O. Box  
21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF02

**577. ● REGULATORY AMENDMENT  
TO PROHIBIT LANDING OF  
UNDERSIZED PACIFIC HALIBUT IN  
THE UNITED STATES**

**Legal Authority:** 5 UST 5; TIAS 2900;  
16 USC 773-773k

**CFR Citation:** 50 CFR 301

**Legal Deadline:** None

**Abstract:** This action would prohibit  
landing of undersized Pacific halibut in  
the United States. The landing of these  
fish is allowed in Russia. The intent is  
to improve enforcement of the U.S.  
minimum size requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	11/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined



DOC—NOAA

Proposed Rule Stage

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AF03

**578. ● AMENDMENT 22 TO THE FMP FOR GROUND FISH OF THE BSAI AND AMENDMENT 27 TO THE FMP FOR GROUND FISH OF THE GOA**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** These amendments would establish areas that may be used to test trawl gear when the season is otherwise closed to trawling. This would allow fishermen the time and opportunity to ensure that newly acquired gear is functioning properly prior to the opening of a fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	01/00/93	
Final Action	03/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AF04

**579. ● REGULATORY AMENDMENT TO THE FMP FOR GROUND FISH OF THE GOA AND THE FMP FOR GROUND FISH OF THE BSAI TO REDUCE HALIBUT BYCATCH MORTALITY IN THE HOOK-AND-LINE FISHERIES**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** These amendments would establish requirements for cutting gangions for Pacific halibut to reduce

bycatch mortality in the hook-and-line fisheries. This could result in a reduced mortality rate, which would allow the fishing season for Pacific cod to be extended. Mortality rates as low as 8 percent could be established on vessels with observers.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	03/00/93	
Final Action	04/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AF05

**580. ● DESIGNATED CRITICAL HABITAT FOR EASTERN SEABOARD NORTHERN RIGHT WHALE (EUBALAENA GLACIALIS)**

**Legal Authority:** 16 USC 1533

**CFR Citation:** 50 CFR 226(B)31

**Legal Deadline:** None

**Abstract:** NMFS received a petition to designate critical habitat for the northern right whale at three areas along the Eastern Seaboard. An environmental assessment has been prepared and the petitioned action is warranted.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Robert C. Ziobro, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2322

**RIN:** 0648-AF06

**581. ● TAKING AND IMPORTING OF MARINE MAMMALS; DOLPHIN MORTALITY LIMITS DURING PURSE SEINE SETS ON MARINE MAMMALS IN THE EASTERN TROPICAL PACIFIC**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1361 et seq

**CFR Citation:** 50 CFR 216.24

**Legal Deadline:** None

**Abstract:** This proposed rule will amend the current performance standards in the MMPA regulations to ensure that U.S. vessels can be legally prevented from making sets on tuna associated with dolphins in the eastern tropical Pacific Ocean once the vessels' dolphin mortality limit is reached.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

**RIN:** 0648-AF07

**582. ● TAKING OF RINGED SEALS INCIDENTAL TO ON-ICE SEISMIC ACTIVITIES**

**Legal Authority:** 16 USC 137(a)(5)

**CFR Citation:** 50 CFR 228

**Legal Deadline:** None

**Abstract:** NMFS proposes to issue regulations that govern the taking of ringed seals incidental to oil and gas exploration (seismic operations on the ice) in the Beaufort Sea from 1993 to 1997.

**Timetable:**

Action	Date	FR Cite
NPRM	09/15/92	57 FR 42538
NPRM Comment	10/15/92	
Period End		
Final Action	12/00/92	
Final Action	01/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None



## DOC—NOAA

## Proposed Rule Stage

**Agency Contact:** Margaret Lorenz, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2322

**RIN:** 0648-AF10

**583. ● REGULATORY AMENDMENT REQUIRING MARKING OF LONGLINE GEAR UNDER THE FISHERY MANAGEMENT PLAN FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 685

**Legal Deadline:** None

**Abstract:** This rule would require that all floats used by or possessed on federally permitted longline vessels be clearly marked with the vessel's official number.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	12/00/92	
Final Action	01/01/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Long Beach, CA 90802, 310 980-4001

**RIN:** 0648-AF12

**584. ● REGULATORY AMENDMENT TO THE FMP FOR GROUND FISH OF THE BSAI TO DELAY THE POLLOCK NON-ROE SEASON**

**Legal Authority:** 18 USC 1801 et seq

**CFR Citation:** 50 CFR 675

**Legal Deadline:** None

**Abstract:** This amendment would delay the opening date for the pollock non-roe ("B") season in the Bering Sea and Aleutian Islands Area. The delay would be from June 1 to a later date due to shortened fishing seasons to allow fish to mature or recover from the spawning

season. The result will be a better quality surimi product.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	12/00/92	
Period End		
Final Action	03/00/93	
Final Action	05/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AF13

**585. ● REGULATORY AMENDMENT TO DEFINE LEGAL GEAR TYPES IN THE GROUND FISH FISHERIES OF THE GOA AND BSAI**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** This amendment would define legal gear types for all groundfish fisheries in the Gulf of Alaska and the Bering Sea and Aleutian Islands.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	02/00/93	
Final Action	03/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AF15

**586. ● REGULATORY AMENDMENT TO ESTABLISH PRODUCT RECOVERY RATES FOR POLLOCK ROE-STRIPPING IN THE ALASKA GROUND FISH FISHERIES**

**Legal Authority:** 18 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** This regulatory amendment would establish product recovery rates for pollock roe-stripping in the Gulf of Alaska and Bering Sea and Aleutian Islands groundfish fisheries.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	12/00/92	
Period End		
Final Action	03/00/93	
Final Action	05/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AF16

**587. ● REGULATORY AMENDMENT TO ALLOCATE INSHORE/OFFSHORE AND COMMUNITY DEVELOPMENT QUOTAS IN THE ALASKA GROUND FISH FISHERIES**

**Legal Authority:** 18 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** This regulatory amendment establishes bycatch allocations to the inshore/offshore components of the groundfish fisheries of the Gulf of Alaska and Bering Sea and Aleutian Islands and Community Development Quotas.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/92	57 FR 46133
NPRM Comment	11/04/92	57 FR 46133
Period End		
Final Action	02/00/93	
Final Action	04/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and



## DOC—NOAA

## Proposed Rule Stage

Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF17

**588. ● DESIGNATION OF CRITICAL HABITAT FOR SNAKE RIVER SOCKEYE SALMON, SNAKE RIVER SPRING/SUMMER CHINOOK SALMON, AND SNAKE RIVER FALL CHINOOK SALMON**

**Legal Authority:** 16 USC 1533 et seq

**CFR Citation:** 50 CFR 226

**Legal Deadline:** Final, Statutory, November 20, 1992.

ESA requires a final action within 1 year of listing as endangered.

**Abstract:** NMFS proposes to designate critical habitat for the Snake River sockeye salmon, Snake River spring/summer and fall Chinook salmon pursuant to the Endangered Species Act of 1973.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Garth Griffen, Protected Species Branch, Environmental and Technical Services Division, Department of Commerce, National Oceanic and Atmospheric Administration, 911 NE. 11th Avenue, Room 620, Portland, OR 97232, 503 230-5430

RIN: 0648-AF19

**NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT**

**589. PROPOSED REGULATIONS FOR THE FAGATELE BAY NATIONAL MARINE SANCTUARY**

**Legal Authority:** 16 USC 1431 to 1445

**CFR Citation:** 15 CFR 941

**Legal Deadline:** None

**Abstract:** These existing regulations are to be revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	05/00/93	
Period End		
Final Action	11/00/93	
Final Action	01/00/94	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648-AA74

**590. PROPOSED REGULATIONS FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY**

**Legal Authority:** 16 USC 1431 to 1445

**CFR Citation:** 15 CFR 935

**Legal Deadline:** None

**Abstract:** These existing regulations are to be revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	
NPRM Comment	08/00/93	
Period End		
Final Action	02/00/94	
Final Action	03/00/94	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648-AC03

**591. PROPOSED REGULATIONS FOR THE GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY**

**Legal Authority:** 16 USC 1431 to 1445

**CFR Citation:** 15 CFR 936

**Legal Deadline:** None

**Abstract:** These existing regulations are being revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/93	
NPRM Comment	02/00/94	
Period End		
Final Action	08/00/94	
Final Action	10/00/94	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648-AC05

**592. THE MONITOR NATIONAL MARINE SANCTUARY**

**Legal Authority:** 16 USC 1431 to 1439

**CFR Citation:** 15 CFR 924

**Legal Deadline:** None

**Abstract:** These regulations are being revised to update site management provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

RIN: 0648-AC78

**593. PROPOSED REGULATIONS FOR THE NORTHWEST STRAITS NATIONAL MARINE SANCTUARY**

**Legal Authority:** 16 USC 1431 to 1445

**CFR Citation:** Not yet determined

**Legal Deadline:** None



## DOC—NOAA

## Proposed Rule Stage

**Abstract:** These regulations will protect the conservational, recreational, ecological, historical, research, educational, and esthetic qualities of the waters of northern Puget Sound in the State of Washington, if the area is designated as a national marine sanctuary.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/93	
NPRM Comment Period End	11/00/93	
Final Action	05/00/95	
Final Action Effective	11/00/95	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue NW., Suite 714, Washington, DC 20235, 202 606-4122

**RIN:** 0648-AC91

#### 594. PROPOSED REGULATIONS FOR THE NORFOLK CANYON NATIONAL MARINE SANCTUARY

**Legal Authority:** 16 USC 1431 to 1445

**CFR Citation:** 15 CFR 939

**Legal Deadline:** None

**Abstract:** These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Norfolk Canyon if the area is designated as a national marine sanctuary.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue NW., Universal Bldg., Room 714, Washington, DC 20235, 202 606-4122

**RIN:** 0648-AC92

#### 595. THUNDER BAY NATIONAL MARINE SANCTUARY

**Legal Authority:** 16 USC 1431 to 1445

**CFR Citation:** 15 CFR Not yet determined

**Legal Deadline:** None

**Abstract:** These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Thunder Bay if the area is designated as a national marine sanctuary.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue NW., Universal Bldg., Room 714, Washington, DC 20235, 202 606-4122

**RIN:** 0648-AE41

#### 596. GRAYS REEF NATIONAL MARINE SANCTUARY

**Legal Authority:** 16 USC 1431 to 1445

**CFR Citation:** 15 CFR 938

**Legal Deadline:** None

**Abstract:** These regulations are being revised to update site management provisions.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue NW., Universal Bldg., Room 714, Washington, DC 20235, 202 606-4122

**RIN:** 0648-AE42

#### OFFICE OF THE ADMINISTRATOR

#### 597. NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION REGULATIONS

**Significance:** Regulatory Program

**Legal Authority:** 33 USC 2706

**CFR Citation:** Not yet determined

**Legal Deadline:** Final, Statutory, August 18, 1992. Other, Statutory. Congress required the regulations to be promulgated no later than two years following the enactment of the Oil Pollution Act.

**Abstract:** In section 1006(e) of the Oil Pollution Act, Congress specified that the Federal Government, through NOAA, take the lead in developing natural resource damage assessment regulations. A Federal approach will provide a consistent, uniform set of procedures specifically for use in oil spills. These procedures will be available to State, Indian, and foreign natural resource trustees. A single Federal solution will be more cost effective than having the individual States develop separate methodologies. It is expected that trustees will use the procedures contained in the regulations because any determination or assessment of damages made in accordance with the regulations shall have the force and effect of a rebuttable presumption on behalf of the trustee in an administrative or judicial proceeding under the Oil Pollution Act.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/28/90	55 FR 53478
Public Meeting Scheduled for 03/20/91	02/28/91	56 FR 8307
ANPRM	04/01/91	56 FR 8307
ANPRM Comment Period Extended to 10/01/92	06/01/92	57 FR 23067
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Randall Luthi, Project Manager, Department of Commerce, National Oceanic and Atmospheric



## DOC—NOAA

## Proposed Rule Stage

Administration, 14th Street and Constitution Ave. NW., Washington, DC 20230, 202 482-1400

RIN: 0648-AE13

### 598. ● MODERNIZATION OF THE NATIONAL WEATHER SERVICE

**Legal Authority:** PL 100-685; 33 USC 313

**CFR Citation:** 15 CFR 946

**Legal Deadline:** None

**Abstract:** The NWS proposes rules to establish the internal process that it will follow in certifying that there will be no degradation of weather services as a result of consolidating, automating, or relocating a field office during the initial stage of modernizing the NWS or of closing a field office during the second stage of modernization.

#### Timetable:

Action	Date	FR Cite
NPRM	09/08/92	57 FR 40877
NPRM Comment Period End	11/09/92	57 FR 40877
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Lou Boezi, Deputy Assistant Administrator for Modernization, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway, Silver Spring, MD 20910, 301 713-0397

RIN: 0648-AE73

### 599. ● REGIONAL MARINE RESEARCH PROGRAM

**Legal Authority:** 16 USC 1447 et seq; PL 101-593

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** Regulations will state Regional Boards structure, proposed review process for plans and research proposals.

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** William Graham, Chief, Environmental Studies, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2451

RIN: 0648-AF20

## DEPARTMENT OF COMMERCE (DOC)

## Final Rule Stage

## National Oceanic and Atmospheric Administration (NOAA)

### NATIONAL MARINE FISHERIES SERVICE

#### 600. 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

**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.

#### Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38881
NPRM Comment Period End	11/06/89	
Extension of Comment Period	12/29/89	54 FR 53660
NPRM Comment Period End	01/29/90	54 FR 53660
Interim Final Rule	10/16/90	55 FR 41856
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

**Analysis:** See Additional Information

**Additional Information:** Neither an RIA nor an RFA is required or will be prepared.

**Agency Contact:** Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine

Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648-AA46

#### 601. 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 categories -- U.S. Grades A, B, 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:**

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	47 FR 21840
NPRM	09/21/89	54 FR 38885
NPRM Comment Period End	11/06/89	
Extension of Comment Period	12/29/89	54 FR 53660
NPRM Comment Period End	01/29/90	54 FR 53660
Interim Final Rule	10/24/91	56 FR 55090
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

**Analysis:** See Additional Information

**Additional Information:** Neither an RLA nor an RFA is required or will be prepared.

**Agency Contact:** Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

**RIN:** 0648-AA47

**602. ENDANGERED FISH AND WILDLIFE; APPROACHING HUMPBACK WHALES IN HAWAIIAN WATERS**

**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. In response to comments received in the public record, NOAA is defining two specific sites as cow/calf areas in which an approach closer than 300

yards is prohibited. This addition creates a new subsection to the rule.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42271
NPRM Comment Period End	12/24/86	51 FR 42271
Interim Final Rule	11/23/87	52 FR 44912
Final Action	03/00/93	
Final Action Effective	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Sectors Affected:** 091 Commercial Fishing

**Additional Information:** NMFS will incorporate the humpback whale Interim Rule into the "general" approach regulations when they become final.

**Agency Contact:** E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

**RIN:** 0648-AB79

**603. INTERIM EXEMPTION GOVERNING THE INCIDENTAL TAKING OF MARINE MAMMALS DURING COMMERCIAL FISHING OPERATIONS**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1361 et seq

**CFR Citation:** 50 CFR 216

**Legal Deadline:** NPRM, Statutory, March 23, 1989. Final, Statutory, July 21, 1989. Other, Statutory, January 20, 1989. Other deadline is for ANPRM.

**Abstract:** 1988 Amendments to the Marine Mammal Protection Act direct the Secretary of Commerce to establish within 240 days, a 5-year program for exempting commercial fishing operations within the U.S. Exclusive Economic Zone from the Act's prohibition on taking marine mammals. The exemption will require registration of vessels with the National Marine Fisheries Service, reports on interactions with marine mammals, and taking Government observers if required.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/27/89	54 FR 04154
ANPRM Comment Period End	02/27/89	
Interim Final Rule	05/19/89	54 FR 21910
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Public Compliance Cost:** Initial Cost: \$8,300,000; Yearly Recurring Cost: \$7,900,000; Base Year for Dollar Estimates: 1989

**Agency Contact:** Nancy Foster, Director, Office of Protected Resources Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2332

**RIN:** 0648-AC65

**604. FISHERMEN'S PROTECTIVE ACT**

**Legal Authority:** 22 USC 1980

**CFR Citation:** 50 CFR 258

**Legal Deadline:** None

**Abstract:** Reinstating regulations inadvertently dropped when the Fishermen's Guaranty Fund Program was transferred to the State Department. Revisions to program procedures deriving from an Internal Control Review scheduled for completion in May 1992, will be incorporated in the regulations. These revised procedures will reduce the risk that fraudulent claims will be paid.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Charles Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2396

**RIN:** 0648-AC73



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**605. DEPLETION OF THE COASTAL-MIGRATORY STOCK OF BOTTLENOSE DOLPHINS IN THE U.S. MID-ATLANTIC****Significance:** Agency Priority**Legal Authority:** 16 USC 1361 et seq Marine Mammal Protection Act; 16 USC 1383b**CFR Citation:** 50 CFR 216.15**Legal Deadline:** None

**Abstract:** Based on a review of the best available information on the status of the coastal-migratory stock of bottlenose dolphins in the U.S. Mid-Atlantic, the National Marine Fisheries Service (NOAA Fisheries) is considering the publication of a proposed rule designating this population stock as depleted under the Marine Mammal Protection Act (MMPA). This action is required by the MMPA when a species or population stock falls below its optimum sustainable population (OSP). If this population stock is designated as depleted, the MMPA requires the application of certain additional restrictions on taking and importation, and the preparation and implementation of a conservation plan to restore the stock to OSP. NOAA Fisheries is also requesting any additional scientific information on this action that may be available from interested parties, as required by the MMPA Amendments of 1988.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/11/89	54 FR 41654
ANPRM Comment Period End	12/17/89	
NPRM	08/15/91	56 FR 40594
NPRM Comment Period End	09/30/91	
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Public Compliance Cost:** Initial Cost: \$25,000; Yearly Recurring Cost: \$50,000; Base Year for Dollar Estimates: 1990**Agency Contact:** Dean Wilkinson, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected

Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2322

**RIN:** 0648-AD02**606. PERFORMANCE STANDARDS FOR TUNA VESSEL OPERATORS****Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 216**Legal Deadline:** None

**Abstract:** NOAA has established a system of performance standards for operators of U.S.-flag tuna purse seine fishing vessels that catch yellowfin tuna associated with marine mammals in the eastern tropical Pacific Ocean.

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/89	54 FR 46086
NPRM Comment Period End	12/01/89	
Interim Final Rule Effective	05/16/90	
Interim Final Rule	05/17/90	55 FR 20458
Interim Final Rule Comment Period End	09/03/90	
Second Interim Final Rule	01/00/93	
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001**RIN:** 0648-AD03**607. PROHIBITION OF THE USE OF EXPLOSIVES IN THE YELLOWFIN TUNA-DOLPHIN FISHERY****Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 216.24(d)(2)(vii)(E)**Legal Deadline:** Final, Statutory, April 1, 1990.

**Abstract:** In 1988, Congress amended the Marine Mammal Protection Act to prohibit the use of explosive devices in tuna purse seine operations that involve marine mammals. An exception from this prohibition was that Class C explosive pest control devices, approved by the Department of Transportation, could continue to be

used when marine mammals are present. An interim final rule in this regard was published in the Federal Register (54 FR 411) and became effective January 1, 1989. Continued unrestricted use of the Class C explosive pest control devices was made contingent upon the outcome of a study mandated by Congress and undertaken by NMFS. The MMPA requires the Secretary to prescribe regulations to prohibit or restrict the use of Class C explosives by April 1, 1990, unless the Secretary, based upon the study, determines "...that the use of such devices does not result in physical impairment or increased mortality of marine mammals." Such a study was conducted by NMFS and the results were reviewed by experts in a workshop. The workshop participants determined that physical injuries to dolphins were caused by Class C explosives (cont)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/29/90	55 FR 11588
Interim Final Rule Effective	04/01/90	
Interim Final Rule Comment Period End	04/27/90	
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: that were detonated within 0.5 meters of the animal. Therefore, because NMFS cannot show that Class C seal bombs do not result in physical impairment or increased mortality of dolphins, and because these devices have the potential to cause injuries and compromise the future survivability of the marine mammals affected, NMFS implemented an interim final rule.

**Agency Contact:** E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001**RIN:** 0648-AD08**608. SECRETARIAL FISHERY MANAGEMENT PLAN FOR SHARKS OF THE ATLANTIC OCEAN****Significance:** Regulatory Program**Legal Authority:** 16 USC 1801 et seq



**CFR Citation:** 50 CFR 678

**Legal Deadline:** NPRM, Statutory. NPRM 15 days after the beginning of a 60-day period for fishery management council's consideration and comment on the Secretarial Plan.

**Abstract:** The Secretarial Fishery Management Plan establishes a new management program intended to: (1) prevent overfishing of Atlantic Ocean sharks; (2) encourage management of sharks throughout their range; (3) establish a data collection, research and fishery monitoring program; (4) prohibit the practice of "finning"; and (5) optimize benefits and minimize wastes of shark resources. Proposed measures include: (1) annual commercial quotas; (2) recreational bag limits; (3) prohibition on "finning"; (4) commercial fishing permits; (5) prohibition on sale of recreational catch; (6) reporting of catch and effort information by commercial vessels and by those operating recreational fishing tournaments; (7) an annual fishing year beginning July 1 of each year; (8) a requirement for all fishermen to cut the fishing line for all sharks not taken as part of the quota or bag limit; and (9) commercial fishery closures after attainment of annual quotas.

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/92	57 FR 24222
NPRM Comment Period End	07/23/92	
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Sectors Affected:** 091 Commercial Fishing

**Analysis:** Regulatory Flexibility Analysis

**Additional Information:** Will involve new collections of information under the Paperwork Reduction Act.

**Agency Contact:** Richard H. Schaefer, Director, Office of Fisheries Conservation and Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

**RIN:** 0648-AD12

**609. AMENDMENT 16 TO THE FISHERY MANAGEMENT PLAN FOR GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AND AMENDMENT 21 TO THE FMP FOR GROUND FISH OF THE GULF OF ALASKA**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq; 16 USC 971 et seq; 16 USC 1361 et seq; 22 USC 1971 et seq

**CFR Citation:** 50 CFR 611; 50 CFR 672; 50 CFR 675

**Legal Deadline:** NPRM, Statutory. Final, Statutory. NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** These amendments contain bycatch management measures for halibut in the Gulf of Alaska and the Bering Sea and Aleutian Islands and bycatch management of red King crab and Tanner crab in the Bering Sea and Aleutian Islands. The vessel incentive program as originally submitted in Amendments 16 and 21 was disapproved by the Secretary of Commerce. This portion of the amendments was resubmitted for proposed and final rulemaking (see Supplemental Timetable).

**Timetable:**

Action	Date	FR Cite
NPRM	09/18/90	55 FR 38347
NPRM Comment Period End	10/27/90	
Additional NPRM: - revised	01/16/91	56 FR 1612
Final Action	01/24/91	56 FR 2700
Interim Final Rule	05/10/91	56 FR 21619
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Sectors Affected:** 091 Commercial Fishing

**Additional Information:** RIN 0648-AC98 has been combined with this RIN.

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration; PO Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AD18

**610. REGULATORY AMENDMENT - U.S. NATIONALS FISHING IN RUSSIAN FISHERIES**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 299

**Legal Deadline:** None

**Abstract:** The regulation specifies procedures for U.S. nationals fishing in the Russian economic zone. Procedures include annual permits, port calls, visas, emergency medical treatment, exchange of crews, research vessels and Russian-imposed sanctions. U.S. nationals are required to comply with permit requirements, comply with Russian law, provide information contained in permits, report on and keep records for 3 years on fish and fish products on board when departing and reentering the EEZ, protect marine mammals, and cooperate with enforcement procedures.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/17/89	54 FR 29896
Second Interim Final Rule	07/30/92	57 FR 33649
Second Interim Final Rule Comment Period End	09/14/92	57 FR 33649
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** 091 Commercial Fishing

**Agency Contact:** William W. Fox, Jr., Assistant Administrator for Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2239

**RIN:** 0648-AD29

**611. FOREIGN FISHING, HEALTH AND SAFETY STANDARDS**

**Legal Authority:** 16 USC 1801 et seq; 16 USC 971 et seq; 22 USC 1971 et seq; 16 USC 1361 et seq

**CFR Citation:** 50 CFR 611.8(d)(8)

**Legal Deadline:** None

**Abstract:** Proposed rule requiring any foreign fishing vessel fishing in the United States EEZ and carrying an observer, to have on board an emergency position indicating radio beacon that broadcasts on 406 MHz.



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**Timetable:**

Action	Date	FR Cite
NPRM	05/24/90	55 FR 21410
NPRM Comment Period End	06/25/90	
Final Action	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** Action delayed due to a virtual end of foreign fishing in United States waters.**Agency Contact:** Gary A. Wood, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2300**RIN:** 0648-AD35**612. AMENDMENT 6 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 611; 50 CFR 663**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the Pacific Fishery Management Council.

**Abstract:** Amendment 6 would institute a license limitation program ("limited entry") for the Pacific Coast groundfish fishery. Only vessels with groundfish trawl gear, longlines, or traps (or pots) would be required to have limited entry permits to use the gear. Permits would be endorsed for specific gear and would be transferable. Control dates for participation were previously established as July 11, 1984, through August 1, 1988. The license limitation program would limit or reduce harvest capacity. While final regulations to implement Amendment 6 are expected in 1992, full implementation of the license limitation program is not expected until 1994.**Timetable:**

Action	Date	FR Cite
NPRM	07/22/92	57 FR 32499
NPRM Comment Period End	08/21/92	
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Rolland A. Schmitt, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, 206 526-6150**RIN:** 0648-AD63**613. TAKING AND IMPORTING OF MARINE MAMMALS; PURSE SEINE SETS ON MARINE MAMMALS IN THE EASTERN TROPICAL PACIFIC****Significance:** Agency Priority**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 216.24(e)(5)(i)**Legal Deadline:** None**Abstract:** In 1988, Congress amended the Marine Mammal Protection Act to require that a harvesting nation must meet a two-part test to determine whether its marine mammal program is comparable to that of the United States before its yellowfin tuna and yellowfin tuna products are allowed to enter this country. These regulations provide specific criteria for issuing initial and subsequent findings to a harvesting nation which implements a prohibition against intentional purse seine sets on marine mammals by its vessels.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/16/90	55 FR 47880
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001**RIN:** 0648-AD69**614. AMENDMENT 24 TO THE FMP FOR GROUND FISH OF THE GULF OF ALASKA AND AMENDMENT 19 TO THE FMP FOR GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS****Legal Authority:** 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act**CFR Citation:** 50 CFR 611; 50 CFR 672; 50 CFR 675**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** This action would modify the bycatch incentive program, delay the Gulf of Alaska rockfish opening date, delay groundfish opening dates in the Gulf of Alaska and the Bering Sea and Aleutian Islands, establish a separate halibut prohibited species limit for fixed gear in the Bering Sea and Aleutian Islands, and prohibit all trawling for species in the "other fishery" category when the bycatch allowance is reached.**Timetable:**

Action	Date	FR Cite
NPRM	05/29/92	57 FR 22695
NPRM Comment Period End	06/13/92	
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21651, Juneau, AK 99802, 907 586-7228**RIN:** 0648-AD76**615. CONFIDENTIALITY OF STATISTICS****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 603**Legal Deadline:** None**Abstract:** Rule to amend 50 CFR part 603 to conform with changes in the Magnuson Fishery Conservation and Management Act. This rule will permit state employees access to confidential fishery statistics pursuant to an agreement with the Secretary.**Timetable:**

Action	Date	FR Cite
NPRM	07/09/92	57 FR 30458
NPRM Comment Period End	08/10/92	57 FR 30458
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** State, Federal



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**Agency Contact:** Mark C. Holliday, Chief, Fisheries Statistics Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Room 8313, Silver Spring, MD 20910, 301 713-2328

**RIN:** 0648-AD77

### 616. U.S. STANDARDS FOR GRADES OF FROZEN FISH PORTIONS

**Legal Authority:** 7 USC 1621 to 1630, Agricultural Marketing Act of 1946

**CFR Citation:** 50 CFR 264; 50 CFR 269

**Legal Deadline:** None

**Abstract:** The revised rule will expand coverage of established voluntary standards for grades of frozen fish portions. 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 NMFS. Industry has shown a high level of interest and support for the revisions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/11/90	55 FR 23565
NPRM Comment Period End	08/27/90	55 FR 23565
Interim Final Rule	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Thomas J. Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

**RIN:** 0648-AD92

### 617. SEA TURTLE CONSERVATION; SHRIMP TRAWLING REQUIREMENTS

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 217; 50 CFR 227

**Legal Deadline:** None

**Abstract:** The National Marine Fisheries Service (NMFS) has determined that there is a need to enhance enforcement and compliance of the 1987 Sea Turtle Conservation Regulations (50 CFR parts 217, 222, and 227) to provide adequate protection to

endangered and threatened sea turtles. In addition, NMFS has determined that there is a need to strengthen the conservation measures of these regulations. This is necessary because a significant number of shrimp fishermen are failing to properly use and operate qualified turtle excluder devices (TEDs) as specified in the 1987 regulations. Some commercial shrimp fishermen are altering, or otherwise modifying, the turtle escape openings of TEDs making them nonfunctional for turtle release. In addition, while implementation of the regulations has resulted in a reduction in the number of turtles killed, significant mortality continues during the months of the year when the conservation requirements are not in effect. The intended effect of these revisions is to reduce the mortality of endangered and threatened sea turtles that may be killed incidental to shrimp trawling, and to enhance compliance with the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/92	57 FR 18446
NPRM Comment Period End	07/29/92	
Interim Final Rule Effective Date	09/01/92	57 FR 40861
Interim Final Rule	09/08/92	57 FR 40861
Interim Final Rule Comment Period Extended	10/23/92	57 FR 41123
Final Action	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Public Compliance Cost:** Initial Cost: \$1,700,000; Yearly Recurring Cost: \$1,700,000; Base Year for Dollar Estimates: 1991

**Analysis:** Regulatory Impact Review 05/30/91

**Agency Contact:** Phil Williams, Ecologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2322

**RIN:** 0648-AE12

### 618. REGULATORY AMENDMENT—SOUTH PACIFIC TUNA FISHERIES

**Legal Authority:** 16 USC 973-973r

**CFR Citation:** 50 CFR 282

**Legal Deadline:** None

**Abstract:** This regulation implements the South Pacific Tuna Act of 1988 by setting forth requirements for U.S. flag tuna vessels to fish in a 10-million-square-mile area of the South Pacific Ocean encompassing the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States, as amended in May 1992. It also establishes a license application system pursuant to section 9(e) of the South Pacific Tuna Act of 1988.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/27/89	54 FR 4031
Final Action	02/00/93	
Final Action Effective	02/00/93	

**License Application System**

Interim Final Rule 04/26/91 (56 FR 19312)

**South Pacific Tuna Act Implementation**  
Final Rule 04/26/91 (56 FR 19312)

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** This action results from the merging of two previous entries in the regulatory agenda.

**Agency Contact:** Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802, 310 980-4001

**RIN:** 0648-AE18

### 619. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE SUMMER FLOUNDER FISHERY

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 625

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** This amendment would address overfishing by: (1) expanding permit and reporting requirements; (2) implementing quota management measures; (3) modifying size limits, bag limits, and mesh-size requirements; (4) initiating framework measures in the



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recreational fishery; (5) imposing a prohibition on the sale of summer flounder caught in the recreational fishery; and (6) authorizing application fee collection for vessel and dealer permits. This amendment also contains conservation measures designed to protect threatened and endangered sea turtles incidentally caught in the summer flounder trawl fishery. Two provisions in the amendment were disapproved and are being resubmitted as revised. Federal permits required under the FMP would be conditioned with restriction that the vessel may not land summer flounder in a State whose quota has been reached.

**Timetable:**

Action	Date	FR Cite
NPRM	06/10/92	57 FR 24577
NPRM Comment	07/20/92	
Period End		
NPRM	08/21/92	57 FR 36055
Resubmitted		
Portion of		
Amendment 2		
NPRM Comment	09/01/92	
Period End		
Resubmitted		
Portion of		
Amendment 2		
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648-AE21

### 620. AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 685; 50 CFR 611**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the Council.

**Abstract:** This amendment would incorporate tuna into the Fishery Management Plan for the Pelagic fisheries of the Western Pacific Region.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/92	57 FR 32952
NPRM Comment	09/04/92	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-9213, 310 980-4001

RIN: 0648-AE36

### 621. REGULATORY AMENDMENT IMPLEMENTING THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

**Legal Authority:** 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act**CFR Citation:** 50 CFR 640**Legal Deadline:** None

**Abstract:** This amendment proposes to: (1) adopt in the EEZ off Florida, Florida's trap certificate, trap reduction, and trap identification program; (2) establish a catch limit of 5 percent by weight of all fish aboard for the incidental harvest of spiny lobsters by trawls; and (3) standardize the Florida and Federal size limit for spiny lobster traps used in the EEZ off Florida.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/92	57 FR 32956
NPRM Comment	08/21/92	
Period End		
Final Action	10/00/92	
Final Action	11/00/92	
Effective		

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE61

### 622. U.S. STANDARDS FOR GRADES OF WHOLE OR DRESSED FISH

**Legal Authority:** 7 USC 1621 to 1630**CFR Citation:** 50 CFR 261**Legal Deadline:** None

**Abstract:** NMFS is testing an alternative set of U.S. standards for grades of whole or dressed fish for use in NMFS's National Seafood Inspection Program. The test standards recognize advances made by industry in process controls. The test standards allow for evaluation of flavor, odor, and texture in the pre-processing state, evaluation of physical defects in the thawed/fresh state, and evaluation for dehydration in the frozen state. Products graded using the test standards will be allowed to make reference to applicable grades on the label of the product.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648-AE69

### 623. U.S. STANDARDS FOR GRADES OF NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

**Legal Authority:** 7 USC 1621 to 1630; Reorganization Plan No. 4 of 1970 (84 Stat. 2090)**CFR Citation:** 50 CFR 267**Legal Deadline:** None

**Abstract:** NMFS is testing an alternative set of U.S. standards for grades of North American freshwater catfish and products made therefrom for use in NMFS's National Seafood Inspection Program. The test standards recognize advances made by industry in process controls. The test standards allow for evaluation of flavor, odor, and texture in the pre-processing state, evaluation of physical defects in the thawed/fresh state, and evaluation for dehydration in the frozen state.



## DOC—NOAA

## Final Rule Stage

Products graded using the test standards will be allowed to make reference to applicable grades on the label of the product.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

**RIN:** 0648-AE70

#### 624. ● U.S. STANDARDS FOR GRADES OF FISH FILLETS

**Legal Authority:** 7 USC 1621 to 1630; Reorganization Plan No. 4 of 1970 (84 Stat. 2090)

**CFR Citation:** 50 CFR 263

**Legal Deadline:** None

**Abstract:** NMFS is testing an alternative set of U.S. standards for grades of fish fillets for use in NMFS's National Seafood Inspection Program. The test standards recognize advances made by industry in process controls. The test standards allow for evaluation of flavor, odor, and texture in the pre-processing state, evaluation of physical defects in the thawed/fresh state, and evaluation for dehydration in the frozen state. Products graded using the test standards will be allowed to make reference to applicable grades on the label of the product.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9139

**RIN:** 0648-AE71

#### 625. ● PROCESS FOR THE MANAGEMENT OF ATLANTIC OCEAN HIGHLY MIGRATORY SPECIES

**Legal Authority:** PL 101-627; 16 USC 1811; 16 USC 1854(f)(3)

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** An agency process for implementing provisions of the Fishery Conservation Amendments of 1990 (Pub. L. 101-627) concerning the management of highly migratory species in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. NOAA will follow this process in preparing, amending, and implementing fishery management plans for Atlantic highly migratory species, including swordfish, billfishes, tunas, and oceanic sharks. The process identifies opportunities for involvement by the public, Regional Fishery Management Councils, and U.S. commissioners (and their advisers) to the International Commission for the Conservation of Atlantic Tunas.

**Timetable:**

Action	Date	FR Cite
NPRM	05/29/92	57 FR 22718
NPRM Comment Period End	07/28/92	
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

**RIN:** 0648-AE72

#### 626. ● TAKING AND IMPORTING OF MARINE MAMMALS; "DOLPHIN SAFE" TUNA LABELING

**Legal Authority:** 16 USC 1361 et seq

**CFR Citation:** 50 CFR 216; 50 CFR 247

**Legal Deadline:** None

**Abstract:** This rule will finalize the interim final rule implementing the Dolphin Protection Consumer Information Act. The interim final rule: (1) identified fish and fish products subject to importation requirements mandated by the Marine Mammal

Protection Act, as amended by the DPC14; (2) specified the use and contents of a new NOAA form required to import into the United States certain fish and fish products potentially harvested with methods injurious to marine mammals; (3) required importers of certain fish and fish products harvested by nations that engage in high seas large scale driftnet fishing to provide certification by a responsible government official of the harvesting nation that the items to be imported were not harvested with large-scale driftnets in certain areas of the high seas; and (4) regulated the use of labels suggesting that tuna products are "dolphin safe."

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/19/91	56 FR 47418
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

**RIN:** 0648-AF08

#### 627. ● PROPOSAL TO REMOVE THE CALIFORNIA GRAYWHALE FROM THE ENDANGERED SPECIES ACT'S LIST OF ENDANGERED AND THREATENED SPECIES

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 222

**Legal Deadline:** Final, Statutory, November 22, 1992.

ESA requires a final action within 1 year of proposal for petition actions.

**Abstract:** NMFS has issued a proposed rule to upgrade the status of the eastern North Pacific stock of gray whales from endangered to fully recovered. NMFS is taking this action on the basis of a required status review which determined that the stock is not in danger of becoming extinct and is not threatened with becoming endangered in the near future. Alternatives identified include taking no action or upgrading the status to threatened.



## DOC—NOAA

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	
Final Action	12/00/92	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Sectors Affected:** None

**Agency Contact:** Charles Karnella, Deputy Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2333

**RIN:** 0648-AF09

**NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT**

**628. PROPOSED REGULATIONS FOR THE NATIONAL ESTUARINE RESERVE RESEARCH PROGRAM**

**Legal Authority:** 16 USC 1461

**CFR Citation:** 15 CFR 921

**Legal Deadline:** None

**Abstract:** This action will incorporate amendments resulting from The Coastal Zone Act Reauthorization Amendments of 1990 and changes to the regulations as a result of comments on the interim rule published July 23, 1990 (55 FR 29940).

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/88	53 FR 43816
NPRM Comment	12/30/88	
Period End		
Interim Final	07/23/90	55 FR 29940
Rule		
Second NPRM	07/17/92	57 FR 31926
NPRM Comment	08/31/92	57 FR 31926
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825

Connecticut Avenue, NW., Suite 714, Washington, DC 20235, 202 606-4122

**RIN:** 0648-AB68

**629. FINAL REGULATIONS FOR THE OLYMPIC COAST NATIONAL MARINE SANCTUARY**

**Legal Authority:** 16 USC 1431 to 1445

**CFR Citation:** 15 CFR 925

**Legal Deadline:** None

**Abstract:** These regulations will protect the conservational, recreational, ecological, historical, research, educational, and esthetic qualities of the waters offshore of the Olympic Coast of the State of Washington, if the area is designated as a national marine sanctuary.

**Timetable:**

Action	Date	FR Cite
NPRM	09/20/91	56 FR 47836
NPRM Comment	11/27/91	
Period End		
Interim Final	02/00/93	
Rule		
Final Action	08/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue NW., Universal Bldg., Room 714, Washington, DC 20235, 202 606-4122

**RIN:** 0648-AC93

**630. PROPOSED REGULATIONS FOR THE STELLWAGEN BANK NATIONAL MARINE SANCTUARY**

**Legal Authority:** 16 USC 1431 to 1445

**CFR Citation:** 15 CFR 940

**Legal Deadline:** None

**Abstract:** These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Stellwagen Bank if the area is designated as a national marine sanctuary.

**Timetable:**

Action	Date	FR Cite
NPRM	02/08/91	56 FR 5282
NPRM Comment	04/08/91	
Period End		

Action	Date	FR Cite
Interim Final	10/00/92	
Rule		
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue NW., Universal Bldg., Room 714, Washington, DC 20235, 202 606-4122

**RIN:** 0648-AC94

**631. IMPLEMENTATION OF COASTAL ZONE MANAGEMENT ACT APPEAL FEES**

**Legal Authority:** 16 USC 1451 et seq

**CFR Citation:** 15 CFR 930

**Legal Deadline:** None

**Abstract:** This rulemaking will implement new authority under the Coastal Zone Management Act to charge fees for appeals.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Margo F. Jackson, Asst. General Counsel for Ocean Services, Office of General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue NW., Suite 603, Washington, DC 20235, 202 606-4200

**RIN:** 0648-AD83

**632. TECHNICAL CONFORMING CHANGES TO EXISTING NOAA REGULATIONS TO IMPLEMENT 1990 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT**

**Legal Authority:** 16 USC 1451 et seq

**CFR Citation:** 15 CFR 923; 15 CFR 926; 15 CFR 927; 15 CFR 931

**Legal Deadline:** None

**Abstract:** This rulemaking will make technical conforming changes to NOAA's existing regulations which are necessary to implement the 1990



DOC—NOAA

Final Rule Stage

reauthorization of the Coastal Zone Management Act.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Vickie A. Allin, Chief, Policy Coordination Division, Office of Ocean & Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue NW., Suite 701, Washington, DC 20235, 202 606-4100

**RIN:** 0648-AE11

**633. ● NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS**

**Legal Authority:** 16 USC 1431 et seq

**CFR Citation:** 15 CFR 922

**Legal Deadline:** None

**Abstract:** This rulemaking will implement 1988 amendments to Title III of the Marine Protection, Research and Sanctuaries Act, including modifications to expedite the sanctuary designation process, to promote and coordinate research in national marine sanctuaries, to expand enforcement authority, and to implement new authority to assess damages for destruction, loss or injury to sanctuary resources.

**Timetable:**

Action	Date	FR Cite
NPRM	07/14/92	57 FR 31150
NPRM Comment	08/28/92	
Period End		
Final Action	12/00/92	
Final Action	02/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Vickie A. Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue NW., Washington, DC 20235, 202 606-4100

**RIN:** 0648-AE68

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

**634. GROUND FISH OF THE GULF OF ALASKA AND BERING SEA AND ALEUTIAN ISLANDS; REGULATORY AMENDMENT PROHIBITING POT-AND-LONGLINE GEAR**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** This amendment would provide a definition of groundfish pots that can legally be used to fish groundfish in the EEZ off Alaska.

**Timetable:**

Action	Date	FR Cite
NPRM	10/15/91	56 FR 51669
NPRM Comment	11/08/91	
Period End		
Final Action	08/21/92	57 FR 37906
Final Action	09/21/92	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AD45

**635. GROUND FISH OF THE GULF OF ALASKA: REGULATORY AMENDMENT—APPORTIONMENT OF THE PROHIBITED SPECIES CATCH OF HALIBUT AMONG HOOK-AND-LINE FISHERIES**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672

**Legal Deadline:** None

**Abstract:** Provides authority to apportion the halibut prohibited species catch between hook-and-line fisheries in the Gulf of Alaska. These fisheries are those for demersal shelf rockfish, sablefish, Pacific cod, and other groundfish.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/92	57 FR 11930
NPRM Comment	05/08/92	
Period End		
Final Action	07/23/92	
Effective		
Final Action	07/28/92	57 FR 33279

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and

Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AD87

**636. REGULATORY AMENDMENT FOR HOOK-AND-LINE PSC AND TIME-AND-AREA CLOSURES**

**Legal Authority:** 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

**CFR Citation:** 50 CFR 611; 50 CFR 675

**Legal Deadline:** None

**Abstract:** Establishes prohibited species catch (PSC) limits for hook-and-line fisheries in the Bering Sea and Aleutian Islands Management Area and establishes time-and-area closures.

**Timetable:**

Action	Date	FR Cite
Withdrawn - This action will not be taken as a separate rulemaking.	07/17/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and



## DOC—NOAA

## Completed Actions

Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AD79

### 637. FOREIGN FISHING POUNDAGE AND PERMIT FEES FOR 1992

**Legal Authority:** 16 USC 1801 et seq. Magnuson Fishery Conservation & Mgmt. Act

**CFR Citation:** 50 CFR 611.22

**Legal Deadline:** None

**Abstract:** This rule will set poundage and permit fees for 1992.

**Timetable:**

Action	Date	FR Cite
NPRM	11/26/91	56 FR 59920
NPRM Comment	12/26/91	
Period End		
Final Action	01/01/92	
Effective		
Final Action	06/19/92	57 FR 27369

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2337

RIN: 0648-AD89

### 638. BLACK ROCKFISH REGULATORY AMENDMENT UNDER THE PACIFIC COAST GROUND FISH FMP

**Legal Authority:** 16 USC 1801 et seq. Magnuson Fishery Conservation & Mgmt. Act

**CFR Citation:** 50 CFR 663

**Legal Deadline:** None

**Abstract:** This regulatory amendment would modify restrictions on fishing for black rockfish off the coast of Washington because declining abundance of black rockfish in traditional coastal sportfishing areas is forcing the charterboat fishery to operate near their economic and geographic margins. It would: (1) reduce the recreational daily bag limit for all rockfish from 15 to 12 fish; (2) impose a non-Indian commercial trip limit on hook-and-line fisheries of 100 pounds or 30 percent of the total catch of all species, whichever is greater, between 47 degrees 40 minutes and 48 degrees 9 minutes, 30 seconds; and (3) establish

coastal treaty Indian commercial harvest guidelines for rockfish.

**Timetable:**

Action	Date	FR Cite
NPRM	09/19/91	56 FR 47441
NPRM Comment	10/16/91	
Period End		
Final Action	05/11/92	57 FR 20058
Final Action	06/10/92	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Rolland A. Schmitt, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648-AE08

### 639. ROLLER TRAWL MINIMUM MESH REGULATORY AMENDMENT UNDER THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN

**Legal Authority:** 16 USC 1801 et seq. Magnuson Fishery Conservation & Mgmt. Act

**CFR Citation:** 50 CFR 663

**Legal Deadline:** None

**Abstract:** This regulatory amendment will increase the minimum mesh size for roller trawls in the Vancouver, British Columbia, and Eureka subareas from 3 to 4 1/2 inches. As a result, all roller trawl and bottom gears will have the same 4 1/2-inch minimum mesh size coastwide.

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/91	56 FR 46401
NPRM Comment	10/09/91	
Period End		
Final Action	04/09/92	57 FR 12212
Final Action	05/11/92	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Rolland A. Schmitt, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115-0070, 206 526-6150

RIN: 0648-AE10

### 640. ELIMINATE THE OPTION OF EXTENDING FUR SEAL SUBSISTENCE HARVEST PAST AUGUST 8

**Legal Authority:** 16 USC 1151 to 1175; 16 USC 1361 to 1384

**CFR Citation:** 50 CFR 215

**Legal Deadline:** None

**Abstract:** This proposed rule would eliminate completely the current option of extending the subsistence harvest of northern fur seals on the Pribilof Islands beyond August 8 of each year. The purpose behind this proposed change is to safeguard the reproductive potential of the species by ensuring no harvesting of seals will take place when there is any chance of females being in harvest areas. Experience and studies show that the risk of accidentally taking a female seal during harvest activities is almost nonexistent before August 8, but increases dramatically thereafter.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/91	56 FR 25066
NPRM Comment	07/18/91	
Period End		
Final Action	07/29/92	
Effective		
Final Action	08/03/92	57 FR 34081

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Aleta Hohn, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2289

RIN: 0648-AE16

### 641. AMENDMENT 4 TO THE GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 641

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

**Abstract:** Amendment 4 would: (1) Add almaco jack and banded rudderfish to the FMP's management unit; (2) specify that scamp would be counted against the shallow-water grouper quota until that quota is reached, after which



scamp would be counted against the deep-water grouper quota; (3) impose a moratorium on new commercial reef fish permits (renewals and transfers permissible) not to exceed 3 years, during which the Gulf of Mexico Fishery Management Council may develop a more comprehensive limited access program; (4) apply greater amberjack management measures to lesser amberjack; (5) commencing with commercial permits for 1993, allow earned income requirements to be met in either of the 2 years preceding the permit application; (6) make technical changes for clarity to language of the FMP's framework procedure; and (7) combine shallow-water and deep-water grouper quotas into a single quota.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/91	56 FR 67571
NPRM Comment Period End	02/10/92	
Final Action	04/08/92	57 FR 11914
Final Action Effective	05/08/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

**RIN:** 0648-AE25

**642. REGULATORY AMENDMENT TO INCREASE 1992 COMMERCIAL QUOTA FOR SHALLOW-WATER GROUPERS UNDER THE GULF OF MEXICO REEF FISH FMP**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 641

**Legal Deadline:** Other, Statutory, January 1, 1992.

Existing regulations at 50 CFR 641 require annual adjustments of management measures by January 1.

**Abstract:** This regulatory amendment, under the annual adjustments of management measures framework of Amendment 1, would increase the annual commercial quota in 1992 for shallow-water groupers from 8.2 to 9.8 million pounds.

**Timetable:**

Action	Date	FR Cite
NPRM	02/19/92	57 FR 5994
NPRM Comment Period End	03/04/92	
Final Action	05/22/92	57 FR 21751
Final Action Effective	06/22/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

**RIN:** 0648-AE28

**643. PACIFIC HALIBUT REGULATIONS FOR 1992**

**Legal Authority:** 16 USC 733c

**CFR Citation:** 50 CFR 301

**Legal Deadline:** None

**Abstract:** This action provides the quotas for domestic fishing for Pacific halibut as approved by the International Pacific Halibut Commission.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	04/09/92	
Final Action	04/14/92	57 FR 12878

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AE29

**644. AMENDMENT TO GUIDELINES FOR FISHERY MANAGEMENT PLANS—GUIDELINES FOR THE USE OF TERMS FOR COMMERCIAL, MARINE RECREATIONAL, AND SUBSISTENCE FISHING/FISHERMAN**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 602

**Legal Deadline:** None

**Abstract:** This action would provide guidelines for the use of terms for commercial, marine recreational, and

subsistence fishing/fisherman in developing fishery management plans.

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/21/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2334

**RIN:** 0648-AE30

**645. PACIFIC HALIBUT CATCH-SHARING PLAN**

**Legal Authority:** 5 U.S.T. 5, T.I.A.S. No. 2900; 16 USC 773-773k

**CFR Citation:** 50 CFR 301

**Legal Deadline:** None

**Abstract:** This action provides for allocation of Pacific halibut in 1992 in Area 2A between Treaty Indian and non-Indian commercial and recreational fishermen.

**Timetable:**

Action	Date	FR Cite
NPRM	01/06/92	57 FR 356
NPRM Comment Period End	01/21/92	
Withdrawn	08/21/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

**RIN:** 0648-AE31

**646. FINANCIAL AID PROGRAM PROCEDURES**

**Legal Authority:** 16 USC 742; 46 USC 1271 to 1279; 46 USC 1177; 42 USC 4321 to 4347; 86 Stat 909

**CFR Citation:** 50 CFR 251; 50 CFR 255; 50 CFR 259

**Legal Deadline:** None



## DOC—NOAA

## Completed Actions

**Abstract:** This action will end the conditional fishery status of surf clams. Such designation, made pursuant to 50 CFR 251, restricts the normal availability of NOAA's financial aid programs based on fisheries management, conservation, and protection considerations. Management of the surf clam fishery has progressed to the point at which this restriction is unnecessary. The programs involved provide financial assistance to fishermen for fishing vessel construction, acquisition, and reconstruction. No alternatives are being considered. There is no potential change in cost due to this action. The benefits are that normal availability of the Fisheries Obligation Guarantee and the Fishing Vessel Capital Construction Fund programs will contribute to the financial stability and industrial safety and efficiency of the surf clam fishing industry.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/91	56 FR 42590
NPRM Comment Period End	09/27/91	
NPRM Comment Period Extended to 11/04/91	10/04/91	56 FR 50305
Withdrawn	08/21/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Charles L. Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2398

**RIN:** 0648-AE38

**647. REGULATORY AMENDMENT TO REGULATIONS GOVERNING PROCESSED FISHERY PRODUCTS—FEE FOR INAUGURATION OF INSPECTION SERVICE ON A CONTRACT**

**Legal Authority:** 7 USC 1621 to 1629 Agricultural Marketing Act of 1946

**CFR Citation:** 50 CFR 260

**Legal Deadline:** None

**Abstract:** Final rule to delete 50 CFR 260.71 "Fee for inauguration of inspection service on a contract basis" as recommended by the Inspector General.

**Timetable:**

Action	Date	FR Cite
Final Action	07/13/92	57 FR 30923
Final Action Effective	07/13/92	57 FR 30923

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard V. Cano, Chief, Inspection Services Division, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1335 East-West Highway, Room 6110, Silver Spring, MD 20910, 301 713-2355

**RIN:** 0648-AE43

**648. ● BERING SEA AND ALEUTIAN ISLANDS AREA FMP AMENDMENT 20 AND GULF OF ALASKA FMP AMENDMENT 25 (PROTECT STELLER SEA LIONS)**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and Final Action 110 days from receipt from a Regional Fishery Management Council.

**Abstract:** This rule would implement measures contained in Amendments 20 and 25 to the Bering Sea and Aleutian Islands and Gulf of Alaska Groundfish FMPs: (1) year-round trawl closures in the Gulf of Alaska and Bering Sea and Aleutian Islands Area within 10 nautical miles of key Steller sea lion rookeries; and (2) new Gulf of Alaska pollock management districts, and a limitation on pollock seasonal harvest allowances specified for these districts.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/91	56 FR 58214
NPRM Comment Period End	12/30/91	
Final Action Effective	01/20/92	
Final Action	01/23/92	57 FR 2683

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric

Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AE45

**649. ● DELAY 1992 ALASKA GROUND FISH TRAWL FISHERIES UNTIL STELLER SEA LION PROTECTION MEASURES ARE IMPLEMENTED**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** This rule delays the opening of the 1992 trawl fisheries in the Gulf of Alaska and the Bering Sea and Aleutian Islands Area until Steller sea lion protection measures are implemented or until the Secretary of Commerce publishes a notice in the Federal Register disapproving Amendments 20 and 25 to the FMPs for Gulf of Alaska and Bering Sea and Aleutian Islands groundfish.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	01/01/92	
Final Action	01/06/92	57 FR 381

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AE46

**650. ● PACIFIC WHITING ALLOCATION FOR 1992**

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 663

**Legal Deadline:** None

**Abstract:** An emergency interim rule allocated the 1992 harvest guideline of 208,000 metric tons of Pacific whiting as follows: 98,000 mt for processing at sea; 80,000 mt for processing on shore; and 30,000 mt for a reserve for apportionment later in the year for either shoreside or at-sea processing. If shoreside processors have not processed 48,000 mt (60 percent of their initial allocation) by September 1, the reserve will be released to at-sea processors. Any portion of the shoreside allocation not needed by



## DOC—NOAA

## Completed Actions

shoreside processors may be made available to at-sea processors on October 1.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	04/15/92	
Final Action - This action was taken through emergency rule.	04/17/92	57 FR 13661

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Rolland A. Schmitt, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

**RIN:** 0648-AE56

**651. ● ENDANGERED AND THREATENED SPECIES; PETITIONS TO LIST SNAKE RIVER SPRING AND SUMMER CHINOOK SALMON**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 227

**Legal Deadline:** NPRM, Statutory, June 7, 1991. Final, Statutory, June 7, 1992.

**Abstract:** NMFS has received a petition to add the Snake River spring and summer chinook salmon (*Oncorhynchus nerka*) to the U.S. List of Endangered and Threatened Wildlife. As required by the ESA, NMFS determined that the petitioned action may be warranted and is conducting a status review of the species. If warranted, NMFS will publish its proposed determination and proposed rule in the Federal Register.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/11/90	55 FR 37342
ANPRM Comment Period End	11/11/90	
NPRM Comment Period End	02/26/91	
NPRM	06/27/91	56 FR 29542
Final Action	04/22/92	57 FR 14653
Final Action Effective	05/22/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Patricia Montanio, Protected Species Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1335 East-West Highway, Room 8268, Silver Spring, MD 20910, 301 713-2322

**RIN:** 0648-AE59

**652. ● ENDANGERED AND THREATENED SPECIES; PETITION TO LIST SNAKE RIVER FALL CHINOOK SALMON**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 227

**Legal Deadline:** NPRM, Statutory, June 7, 1991. Final, Statutory, June 7, 1992.

**Abstract:** NMFS has received a petition to add the Snake River fall chinook salmon (*Oncorhynchus nerka*) to the U.S. List of Endangered and Threatened Wildlife. As required by the ESA, NMFS determined that the petitioned action may be warranted and is conducting a status review of the species. If warranted, NMFS will publish its proposed determination and proposed rule in the Federal Register.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/11/90	55 FR 37342
ANPRM Comment Period End	11/11/90	
NPRM	06/27/91	56 FR 29547
NPRM Comment Period End	08/26/91	
Final Action	04/22/92	57 FR 14653
Final Action Effective	05/22/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Patricia Montanio, Protected Species Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1335 East-West

Highway, Room 8268, Silver Spring, MD 20910, 301 713-2322

**RIN:** 0648-AE60

**653. ● REGULATION TO IMPLEMENT ICCAT RECOMMENDATIONS AND ADDRESS OTHER MANAGEMENT MEASURES FOR THE 1992 ATLANTIC BLUEFIN TUNA FISHERY**

**Legal Authority:** 16 USC 971 et seq

**CFR Citation:** 50 CFR 285

**Legal Deadline:** None

**Abstract:** This regulation will implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and address other management measures for the Atlantic bluefin tuna fishery.

**Timetable:**

Action	Date	FR Cite
NPRM	04/28/92	57 FR 17872
NPRM Comment Period End	05/27/92	
Final Action Effective	07/20/92	
Final Action	07/24/92	57 FR 32905

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard H. Schaefer, Director, Office of Fisheries Conservation and Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

**RIN:** 0648-AE68

**654. ● TAC DETERMINATION FOR ATLANTIC SWORDFISH FOR 1992**

**Legal Authority:** 16 USC 971 et seq

**CFR Citation:** 50 CFR 630

**Legal Deadline:** None

**Abstract:** This would set the total allowable catch (TAC) for Atlantic swordfish for the 1992 fishing year.

**Timetable:**

Action	Date	FR Cite
NPRM	05/22/92	57 FR 21761
NPRM Comment Period End	06/22/92	
Final Action	08/04/92	57 FR 34264
Final Action Effective	08/04/92	

**Small Entities Affected:** None



## DOC—NOAA

## Completed Actions

**Government Levels Affected:** None

**Agency Contact:** Richard H. Schaefer, Director, Office of Fisheries Conservation and Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

**RIN:** 0648-AE67

### 655. ● REDUCTION OF MAIN HAWAIIAN ISLANDS LONGLINE AREA CLOSURES

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 685

**Legal Deadline:** None

**Abstract:** This regulatory change under a framework process would reduce seasonally (October through January) the longline fishing area closures off the windward sides of the main Hawaiian Islands.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	10/01/92	
Final Action	10/06/92	57 FR 45989

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

**RIN:** 0648-AE74

### 656. ● REGULATORY AMENDMENT TO EXTEND FOR 6 YEARS THE MORATORIUM ON FISHING IN THE HANCOCK SEAMOUNT FISHERY

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 683

**Legal Deadline:** None

**Abstract:** This rule would extend for 6 years the moratorium on fishing for bottomfish and seamount groundfish on the Hancock Seamount.

**Timetable:**

Action	Date	FR Cite
NPRM	06/16/92	57 FR 26816
NPRM Comment Period End	07/16/92	
Final Action	08/17/92	57 FR 36907

**Action**                      **Date**                      **FR Cite**

Final Action                      08/27/93  
Effective

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

**RIN:** 0648-AE92

### 657. ● INTERPRETIVE RULE TO DEFINE LENGTH OVERALL FOR VESSELS IN THE GROUND FISH FISHERIES OF THE GOA AND BSAI

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** This interpretive rule will provide an explanation of the term "length overall" by defining "stem to stern."

**Timetable:**

Action	Date	FR Cite
Final Action	09/22/92	57 FR 43621
Final Action Effective	09/22/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AF14

### 658. ● INTERPRETIVE RULE TO DEFINE MILES IN REGULATIONS IMPLEMENTING THE FMPS FOR GROUND FISH FISHERIES OF THE GOA AND BSAI

**Legal Authority:** 16 USC 1801 et seq

**CFR Citation:** 50 CFR 672; 50 CFR 675

**Legal Deadline:** None

**Abstract:** This interpretive rule will provide an explanation that "miles" means nautical miles in the regulations implementing the FMPS for groundfish in the Gulf of Alaska and the Bering Sea and Aleutian Islands.

**Timetable:**

Action	Date	FR Cite
Final Action	09/22/92	57 FR 43627
Final Action Effective	09/22/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

**RIN:** 0648-AF18

### 659. FINAL REGULATIONS FOR THE MONTEREY BAY NATIONAL MARINE SANCTUARY

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 1431 to 1445

**CFR Citation:** 15 CFR 944

**Legal Deadline:** None

**Abstract:** These regulations will protect the conservational, recreational, ecological, historical, research, educational, and esthetic qualities of Monterey Bay and surrounding offshore waters of the State of California, if the area is designated as a national marine sanctuary.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/90	55 FR 31786
NPRM Comment Period End	10/03/90	
Final Action	09/18/92	57 FR 43310

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cdr. William Harrigan, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, Universal Bldg., 1825 Connecticut Avenue NW., Suite 714, Washington, DC 20235, 202 606-4122

**RIN:** 0648-AC63



## DOC—NOAA

## Completed Actions

**660. REGULATION IMPLEMENTING 1990 AMENDMENTS TO SECTION 315 OF THE COASTAL ZONE MANAGEMENT ACT****Completed:**

Reason	Date	FR Cite
Duplicate of RIN 0648-AB68	08/21/92	
<b>RIN: 0648-AC90</b>		

**661. REGULATIONS IMPLEMENTING 1990 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT**

**Legal Authority:** 16 USC 1450 et seq  
**CFR Citation:** 15 CFR 928; 15 CFR 932  
**Legal Deadline:** None

**Abstract:** NOAA is pursuing a phased rulemaking to implement the Coastal Zone Act Reauthorization Amendments of 1990, which amended the CZMA and reauthorized it through Fiscal Year 1995. The phased rulemaking will allow us to meet statutory deadlines while at the same time developing necessary information and agreements that should precede some parts of the rulemaking. Phase I will include the Coastal Zone Enhancement Grants (section 309), on which regulations are required within one year of enactment, and the new provisions on program evaluation (section 312), including interim and final sanctions. Phase II would include program approval requirements for the

new coastal nonpoint pollution control programs (section 6217). These requirements should be based on final guidance which is required from EPA within 18 months of enactment, and on agreements between NOAA and EPA over their respective responsibilities for program review and approval.

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/91	56 FR 52220
NPRM Comment Period End	12/02/91	56 FR 52220
Final Action	07/14/92	57 FR 31105
Final Action Effective	08/13/92	57 FR 31105

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State

**Agency Contact:** Vickie A. Allin, Chief, Policy Coordination Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Room 701, Washington, DC 20235, 202 606-4100

**RIN: 0648-AD09**

**662. ● IMPLEMENT AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE RED DRUM FISHERY OF THE GULF OF MEXICO**

**Legal Authority:** 16 USC 1801 et seq  
**CFR Citation:** 50 CFR 653

**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and Final Action 110 days after receipt from the Fishery Management Council.

**Abstract:** Amendment 3 will: (1) remove from the regulations the detailed procedures applicable to the GMFMC and NMFS for assessing the stock and determining the ABC for red drum; and (2) remove from the regulations language specifying that at such time as a catch of red drum is allowed, a person landing red drum, other than from a directed commercial fishery, must comply with the landing and possession laws of the state where landed.

**Timetable:**

Action	Date	FR Cite
NPRM	06/16/92	57 FR 26814
NPRM Comment Period End	07/31/92	
Final Action	09/02/92	57 FR 40134
Final Action Effective	10/02/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

**RIN: 0648-AE75**

## DEPARTMENT OF COMMERCE (DOC)

## Prerule Stage

## Patent and Trademark Office (PTO)

**663. PATENT APPLICATION ELECTRONIC SUBMISSION RULES**

**Significance:** Agency Priority

**Legal Authority:** 35 USC 6

**CFR Citation:** 37 CFR 1

**Legal Deadline:** None

**Abstract:** The Office proposes to allow patent and trademark applicants the option of submitting their applications electronically. The proposed revisions to 37 CFR 1 and 2 would set out the procedures for filing patent and trademark applications in an electronic format.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/00/93	
ANPRM Comment Period End	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** V. Douglas Hines, Director, OASMA, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 305-9330

**RIN: 0651-AA50**

**664. ● REVISION OF PATENT AND TRADEMARK FEES**

**Significance:** Agency Priority

**Legal Authority:** 35 USC 6; 35 USC 41; 35 USC 378; 15 USC 1113; PL 101-508; PL 102-204

**CFR Citation:** 37 CFR 1.16; 37 CFR 1.17; 37 CFR 1.18; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.21; 37 CFR 1.26; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492; 37 CFR 2.6; 37 CFR 2.87

**Legal Deadline:** Final, Statutory, October 1, 1993.

**Abstract:** PTO proposes to amend its rules of practice to revise patent statutory fees and trademark fees to reflect fluctuations in the Consumer Price Index and non-statutory patent



## DOC—PTO

## Prerule Stage

fees to reflect the average cost of providing the goods or services consistent with the Patent and Trademark Authorization Act of 1991 (Pub. L. 102-204).

**Timetable:**

Action	Date	FR Cite
ANPRM	03/00/93	
NPRM	05/00/93	
Final Action	08/00/93	
Final Action Effective	10/01/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Frances Michalkewicz, Director, Office of Long-Range Planning and Evaluation, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-8510

**RIN:** 0651-AA61

## DEPARTMENT OF COMMERCE (DOC)

## Proposed Rule Stage

## Patent and Trademark Office (PTO)

## 665. MISCELLANEOUS CHANGES IN PATENT PRACTICE

**Significance:** Agency Priority

**Legal Authority:** 35 USC 6; 35 USC 31; 35 USC 41; 35 USC 181; 15 USC 1123

**CFR Citation:** 37 CFR 1.13; 37 CFR 1.85; 37 CFR 1.136; 37 CFR 1.153; 37 CFR 1.193; 37 CFR 1.194; 37 CFR 1.197; 37 CFR 1.312; 37 CFR 1.321; 37 CFR 1.352; 37 CFR 1.362; 37 CFR 1.482; 37 CFR 1.607; 37 CFR 5.19; 37 CFR 10.98; ...

**Legal Deadline:** None

**Abstract:** The Office proposes to modify patent administrative processing requirements and to liberalize the policy on signing disclaimers.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/92	57 FR 43412
NPRM Comment	11/05/92	
Period End		
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Abraham Hershkowitz, Petitions Examiner, Office of Petitions, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9285

**RIN:** 0651-AA34

## 666. DRAWING CHANGES IN PATENTS CASES

**Legal Authority:** 35 USC 6; 35 USC 41; 35 USC 113; 35 USC 114; 35 USC 161; 35 USC 171

**CFR Citation:** 37 CFR 1.81; 37 CFR 1.83; 37 CFR 1.84; 37 CFR 1.85; 37 CFR 1.88; 37 CFR 1.96; 37 CFR 1.136; 37 CFR 1.152; 37 CFR 1.154; 37 CFR 1.165; 37 CFR 1.174

**Legal Deadline:** None

**Abstract:** Drawing rules have caused confusion and slowed down the processing of patent applications. The PTO proposes to clarify the requirements for patent drawings and also to expedite patent drawing procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/92	57 FR 42741
NPRM Comment	10/16/92	
Period End		
Final Action	11/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jeffrey V. Nase, Director, Office of Petitions, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9285

**RIN:** 0651-AA44

## 667. TRADEMARK PROCEDURES

**Legal Authority:** 15 USC 1051 et seq

**CFR Citation:** 37 CFR 2.24; 37 CFR 2.85(e); 37 CFR 2.102(e); 37 CFR 2.119; 37 CFR 2.146(d); 37 CFR 2.162(e); 37 CFR 2.183; 37 CFR 2.33; 37 CFR 2.111(b); 37 CFR 2.80; 37 CFR 2.162(e); 37 CFR 2.187; 37 CFR 2.189

**Legal Deadline:** None

**Abstract:** The proposed rule changes concern housekeeping changes to conform the rules to the Trademark Law Revision Act of 1988 and other miscellaneous changes.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Lynne Beresford, Trademark Administrator, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 305-9464

**RIN:** 0651-AA46

## 668. REGISTRATION OF ATTORNEYS AND AGENTS

**Legal Authority:** 5 USC 500; 15 USC 1123; 35 USC 6; 35 USC 31; 35 USC 32

**CFR Citation:** 37 CFR 10.8; 37 CFR 10.9

**Legal Deadline:** None

**Abstract:** The rule change would clarify PTO's requirement for registering aliens to practice before the Office.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Cameron Weiffenbach, Director, Office of Enrollment and Discipline, Department of Commerce, Patent and Trademark Office, Box OED, Washington, DC 20231, 703 308-9618

**RIN:** 0651-AA48



DOC—PTO

Proposed Rule Stage

**669. PATENT TERM EXTENSION APPLICATION REQUIREMENTS****Legal Authority:** 35 USC 6; 35 USC 156**CFR Citation:** 37 CFR 1.740; 37 CFR 1.785**Legal Deadline:** None**Abstract:** The regulations pertaining to applications for patent term extension are proposed to be amended to clarify requirements for eligibility and filing.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Charles E. Van Horn, Patent Policy & Programs Administrator, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9054**RIN:** 0651-AA52**670. ● CHANGES IN SIGNATURE AND FILING REQUIREMENTS FOR PAPERS FILED IN THE PATENT AND TRADEMARK OFFICE****Legal Authority:** 5 USC 500; 15 USC 1123; 35 USC 6; 35 USC 31; 35 USC 41**CFR Citation:** 37 CFR 1.4; 37 CFR 1.5(a); 37 CFR 1.6; 37 CFR 1.8; 37 CFR 1.304; 37 CFR 1.366(b); 37 CFR 1.741(a); 37 CFR 10.18(a); 37 CFR 10.23(c)**Legal Deadline:** None**Abstract:** Most papers filed in the Patent and Trademark Office (PTO) requiring a signature have to be submitted with an original signature. The modified regulations would permit, in most cases, the filing of photocopies or facsimile transmitted papers. Furthermore, the certificate of mailing procedures currently in effect would be extended to papers sent by facsimile transmission. These changes would reduce the burden currently faced by those submitting papers to the PTO and would make it easier to meet PTO deadlines.**Timetable:**

Action	Date	FR Cite
NPRM	08/12/92	57 FR 36034
NPRM Comment	10/13/92	
Period End		

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Abraham HersHKovitz, Petitions Examiner, Office of Petitions, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9282**RIN:** 0651-AA55**671. ● CHANGES IN REVIVAL OF PATENT APPLICATIONS AND REINSTATEMENT OF PATENTS****Legal Authority:** 35 USC 6**CFR Citation:** 37 CFR 1.137; 37 CFR 1.155; 37 CFR 1.316; 37 CFR 1.317; 37 CFR 1.378(c)(3)**Legal Deadline:** None**Abstract:** The proposed modification would require the filing of a terminal disclaimer in patent applications abandoned for a period in excess of six months in both unavoidably and unintentionally abandoned applications. The current policy of granting exceptions, in certain limited circumstances, to the one-year limit for reviving unintentionally abandoned applications is also incorporated into the proposed rules. These changes would incorporate current policy into the regulations and would reduce delays in filing petitions to revive patent applications.**Timetable:**

Action	Date	FR Cite
NPRM	09/14/92	57 FR 41899
NPRM Comment	11/13/92	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Abraham HersHKovitz, Petitions Examiner, Office of Petitions, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9262**RIN:** 0651-AA57**672. ● CHANGES IN COMPUTER PROGRAM LISTINGS FILED IN PATENT APPLICATIONS****Legal Authority:** 35 USC 6**CFR Citation:** 37 CFR 1.96**Legal Deadline:** None**Abstract:** Patent applications directed to computer program-related inventions often include numerous pages of computer program listings. The proposed modification in the regulations would specify a format for all computer program listings. This format would improve clarity and uniformity of the text and reduce the volume of printed pages of any patents which issue from these applications.**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	
NPRM Comment	09/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** J. Michael Thesz, Special Program Examiner, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9384**RIN:** 0651-AA58**673. ● OFFICE OF ENROLLMENT AND DISCIPLINE INVESTIGATION PROCEDURES****Legal Authority:** 35 USC 31; 5 USC 500; 15 USC 1123; 35 USC 32**CFR Citation:** 37 CFR 10.7; 37 CFR 10.131; 37 CFR 10.133**Legal Deadline:** None**Abstract:** PTO proposes to set forth the procedures it will follow for handling investigations of complaints regarding alleged improper conduct by persons seeking recognition to practice before the Patent and Trademark Office and by persons already recognized to practice before the Patent and Trademark Office.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	01/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Cameron Weiffenbach, Director, Office of Enrollment and Discipline, Department of Commerce, Patent and Trademark



DOC—PTO

Proposed Rule Stage

Office, Box OED, Washington, DC  
20231, 703 308-9618  
RIN: 0651-AA60

**674. ● PROCEDURES FOR AMENDING PATENT APPLICATIONS**

**Legal Authority:** 35 USC 6  
**CFR Citation:** 37 CFR 1.121; 37 CFR 1.122; 37 CFR 1.124  
**Legal Deadline:** None

**Abstract:** Amendments of patent applications are now presented in the form of instructions to change the written text at identified locations (e.g.,

page and line) in the application. A new practice would be adopted to require the submission of a replacement page containing the amendment. The new practice will reduce costs for the patent applicant and the Office by eliminating the need for the patent applicant to submit instructions and eliminating the need for the Office to amend the text of the application.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** None

**Agency Contact:** Charles E. Van Horn, Patent Policy and Projects Administrator, Department of Commerce, Patent and Trademark Office, Office of Assistant Commissioner for Patents, Washington, DC 20231, 703 305-9054

RIN: 0651-AA62

**DEPARTMENT OF COMMERCE (DOC)  
Patent and Trademark Office (PTO)**

Final Rule Stage

**675. VARIETY DENOMINATION 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 amend 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
ANPRM	12/27/85	50 FR 52963
NPRM	11/02/87	52 FR 42016
NPRM Comment	01/08/88	52 FR 42016
Period End		
Final Action	11/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** Multiple

**Additional Information:** Neither an RIA nor an RFA is required or will be prepared.

**Agency Contact:** H. Dieter Hoinkes, Legislative and International Intellectual Property Specialist, Department of Commerce, Patent and

Trademark Office, Washington, DC  
20231, 703 305-9300  
RIN: 0651-AA12

**676. APPLICATION PROCESSING UNDER THE PATENT COOPERATION TREATY**

**Significance:** Agency Priority  
**Legal Authority:** 35 USC 6; 35 USC 351 to 376  
**CFR Citation:** 37 CFR 1.401 to 1.499  
**Legal Deadline:** Other, Statutory, July 1, 1992.

Deadline for national implementation set by International Patent Cooperation Union Assembly.

**Abstract:** The United States Patent and Trademark Office proposes to change the regulations found at 37 CFR 1 Subpart C to clarify practice and to reflect the changes of the Patent Cooperation Treaty which were agreed to at the International Patent Cooperation Union Assembly Session of July 8 to 12, 1991.

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/92	57 FR 30703
NPRM Comment	07/31/92	57 FR 30703
Period End		
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Charles E. Van Horn, Patent Policy & Programs

Administrator, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 305-9054

RIN: 0651-AA51

**677. ● PATENT INTERFERENCE PRACTICE**

**Legal Authority:** 35 USC 6; 35 USC 135  
**CFR Citation:** 37 CFR 1.11; 37 CFR 1.601; 37 CFR 1.607; 37 CFR 1.608; 37 CFR 1.632; 37 CFR 1.633; 37 CFR 1.637; 37 CFR 1.653; 37 CFR 1.656

**Legal Deadline:** None

**Abstract:** The proposed changes will clarify patent interference practice, particularly with respect to preliminary motions.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/92	57 FR 2698
NPRM Comment	03/23/92	57 FR 2698
Period End		
Final Action	12/00/92	
Final Action Effective	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Saul I. Serota, Chairman, Department of Commerce, Patent and Trademark Office, Box Interference, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-4072

RIN: 0651-AA53



## DOC—PTO

## Final Rule Stage

**678. ● CHANGES IN PRACTICE RELATING TO FILING PATENT APPLICATIONS****Legal Authority:** 35 USC 6**CFR Citation:** 37 CFR 1.48; 37 CFR 1.60**Legal Deadline:** None**Abstract:** The proposed rule would harmonize PTO's continuation patent application practice under 37 CFR 1.60

to be more consistent with other continuation application procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	07/15/92	57 FR 31344
NPRM Comment	08/14/92	
Period End		
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Agency Contact:** Jeffrey V. Nase, Director, Office of Petitions, Department of Commerce, Patent and Trademark Office, Office of the Assistant Commissioner for Patents, Box DAC, Washington, DC 20231, 703 305-9282**RIN:** 0651-AA59

## DEPARTMENT OF COMMERCE (DOC)

## Completed Actions

## Patent and Trademark Office (PTO)

**679. PATENT AND TRADEMARK ASSIGNMENT RULES****Legal Authority:** 35 USC 6; 35 USC 261; 15 USC 1060; 15 USC 1113; 15 USC 1123**CFR Citation:** 37 CFR 1.331; 37 CFR 1.332; 37 CFR 1.333; 37 CFR 1.334; 37 CFR 1.335; 37 CFR 2.185; 37 CFR 2.186; 37 CFR 2.187**Legal Deadline:** None**Abstract:** The Patent and Trademark Office proposes to modify the rules relating to recording assignments involving patents and trademarks. Currently, there are two sets of rules -- one for patents and one for trademarks. The Office plans to consolidate the assignment rules into one set of rules.**Timetable:**

Action	Date	FR Cite
NPRM	05/10/91	56 FR 21641
NPRM Comment	07/09/91	56 FR 21641
Period End		
Final Action	07/06/92	57 FR 29634
Final Action Effective	09/04/92	57 FR 29634

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Linda M. Skoro, Assistant Solicitor, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9035**RIN:** 0651-AA43

statutory fees and trademark fees to reflect fluctuations in the Consumer Price Index, and to revise other patent fees to reflect the average cost of providing the goods and services associated with those fees, consistent with the Patent and Trademark Authorization Act of 1991, Pub. L. 102-204, 105 Stat. 1636.

**Timetable:**

Action	Date	FR Cite
NPRM	05/20/92	57 FR 21536
NPRM Comment	06/24/92	
Period End		
Final Action	08/21/92	57 FR 38190
Final Action Effective	10/01/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Agency Contact:** Frances Michalkewicz, Director, Office of Long-Range Planning and Evaluation, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-8510**RIN:** 0651-AA54**680. ● REVISION OF PATENT AND TRADEMARK FEES****Significance:** Agency Priority**Legal Authority:** 35 USC 6; 35 USC 41; 35 USC 376; 15 USC 1113; PL 101-508; PL 102-204**CFR Citation:** 37 CFR 1.18; 37 CFR 1.17; 37 CFR 1.18; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.21; 37 CFR 1.24; 37 CFR 1.26; 37 CFR 1.296; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492; 37 CFR 2.6**Legal Deadline:** Final, Statutory, October 1, 1992.**Abstract:** The Patent and Trademark Office proposes to amend its rules of practice to revise certain patent

## DEPARTMENT OF COMMERCE (DOC)

## Proposed Rule Stage

## Technology Administration (TA)

**681. LICENSING OF GOVERNMENT-OWNED INVENTIONS****Legal Authority:** 35 USC 208**CFR Citation:** 37 CFR 404; 37 CFR 102**Legal Deadline:** None**Abstract:** The Department held a public meeting on July 31, 1991, to discuss the need to revise the Federal domestic and foreign patent licensing regulations, and will issue a notice of proposed

rulemaking for public comment later this year.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Sectors Affected:** All**Agency Contact:** John Paugh, Acting Director, Office of Technology Commercialization, Department of Commerce, Technology Administration, Room H 4418, Washington, DC 20230, 202 482-8101**RIN:** 0692-AA04



DOC-TA

Proposed Rule Stage

**682. ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES**

**Significance:** Agency Priority  
**Legal Authority:** EO 10096; EO 10930; 35 USC 207 to 208; 15 USC 3701 et seq  
**CFR Citation:** 37 CFR 501; 37 CFR 101  
**Legal Deadline:** None

**Abstract:** The Department held a public meeting on July 31, 1991, to discuss the need to revise the employee rights determination procedure.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined  
 Small Entities Affected: None

**Government Levels Affected:** None  
**Sectors Affected:** None  
**Agency Contact:** John Paugh, Acting Director, Office of Technology Commercialization, Department of Commerce, Technology Administration, Room H 4418, Washington, DC 20230, 202 482-8101  
**RIN:** 0692-AA05

**683. ● TRANSFER OF FEDERALLY FUNDED INFORMATION**

**Legal Authority:** PL 102-245  
**CFR Citation:** Not yet determined  
**Legal Deadline:** NPRM, Statutory, February 14, 1993.

**Abstract:** This action will establish procedures for transferring in a timely manner to the National Technical Information Service unclassified

scientific, technical, and engineering information from federally funded research and development activities for dissemination to the private sector.

**Timetable:**

Action	Date	FR Cite
NPRM	02/14/93	
NPRM Comment Period End	04/14/93	
Final Action	09/14/93	
Final Action Effective	10/14/93	

**Small Entities Affected:** None  
**Government Levels Affected:** Federal  
**Agency Contact:** Donald W. Corrigan, Associate Director for Program Development, Technology Services, Department of Commerce, National Institute of Standards & Technology, Gaithersburg, MD 20899, 301 975-4511  
**RIN:** 0692-AA12

**DEPARTMENT OF COMMERCE (DOC) Technology Administration (TA)**

Final Rule Stage

**684. ● MARKING OF TOY LOOK-ALIKE AND IMITATION FIREARMS**

**Legal Authority:** 15 USC 5001  
**CFR Citation:** 15 CFR 1150  
**Legal Deadline:** None

**Abstract:** The Under Secretary for Technology plans to amend the regulation pertaining to marking of toy, look-alike and imitation firearms. Public Law 100-615 prohibits the manufacturing, entering into commerce, shipping, transporting, or receipt of any toy, imitation or look-alike firearm

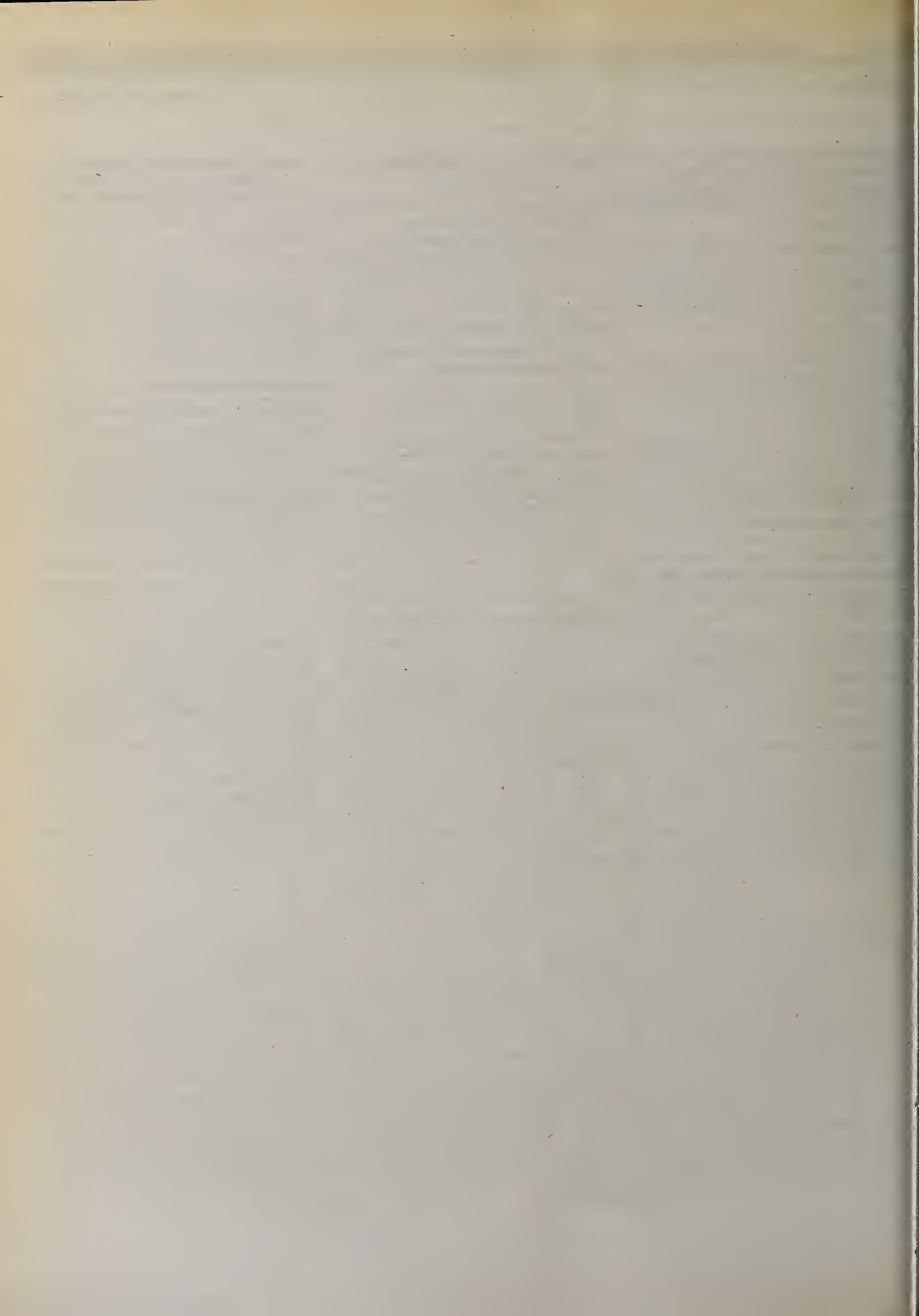
(device) unless such device contains, or has affixed to it, a marking approved by the Secretary of Commerce. The amendments to the regulation will set out additional permissible markings, and will further define those devices covered by the regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	11/07/91	56 FR 56953
NPRM Comment Period End	03/17/92	57 FR 2065
Final Action	10/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Bradford C. Brown, Acting Chief Counsel for Technology, Department of Commerce, Technology Administration, Washington, DC 20230, 202 482-1984  
**RIN:** 0692-AA11  
 [FR Doc. 92-20755 Filed 11-02-92; 8:45 am]  
 BILLING CODE 3510-BW-F







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**Tuesday  
November 3, 1992**

**Department of Defense**

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**Part V**

**Department of  
Defense**

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**Semiannual Regulatory Agenda**



## DEPARTMENT OF DEFENSE (DOD)

## DEPARTMENT OF DEFENSE

## 32 CFR Chs. I, V, VI, and VII

## 33 CFR Ch. II

## 36 CFR Ch. III

Improving Government Regulations;  
Semiannual Agenda of Regulations

**AGENCY:** Department of Defense (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, including those that are procurement-related, for public information and comments under E.O. 12291 "Federal Regulation" and the Office of Federal Procurement Policy Act of 1988 (41 U.S.C. 402). This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under E.O. 12291, the Federal Procurement Policy Act, 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 April 27, 1992, and includes regulations expected to be issued and under review over the next 12 months. The procurement-related agenda items included in this publication will also be used by the Office of Federal Procurement Policy to publish a "Procurement Regulatory Activity Report" as required by the Office of Federal Procurement Policy Act Amendments of 1988.

The next agenda is scheduled to be published in April 1993. 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 Mr. William P. Pearce, telephone 703-746-0933, 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 703-697-2714.

For general information on Office of the Secretary regulations, contact Mrs. Patricia H. Means, Directives Division, Directorate for Correspondence and Directives, Washington Headquarters Services; telephone 703-697-4111. For general information on the procurement-related agenda items, contact Mr. Owen L. Green III, telephone 703-697-7266, or write to the Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062.

For general information on Department of the Army regulations, contact Mr. Kenneth L. Denton, telephone 703-325-6277, or write to Commander, U.S. Army Publications and Printing Command, ATTN: ASQZ-PD-SS, Room 1050, Hoffman I, Alexandria, Virginia 22331-0302.

For general information on Department of the Navy regulations, contact Ms. Alcinda P. Wenberg, telephone 703-602-2542, or write to Department of the Navy, Commander, Naval Information Systems Management Center, 2211 Jefferson Davis Highway, CP5, Room 334, Arlington, Virginia 22202.

For general information on Department of the Air Force regulations, contact Ms. Patsy J. Conner, telephone 703-614-3527, or write to Department of the Air Force, SAF/AAIA, Pentagon, Washington, DC 20330-1000.

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, including procurement-related 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;
- c. GATT International Trade Agreement; and
- d. Office of Federal Procurement Policy Act Amendments of 1988.

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 four sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; and (4) 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



**DOD**

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 section 553 of title 5 and section 1 of E.O. 12291.

Dated: August 20, 1992.

**J. R. Sungenis,**  
Director, Information Operations and Reports.

**Office of the Secretary—Prerule Stage**

Se-quence Number	Title	Regulation Identifier Number
685	Public-Private Competition (DAR Case 91-354) .....	0790-AD45
686	Bond Waiver Tests (DAR Case 91-316) .....	0790-AD59
687	Mentor-Protege Credits (DAR Case 91-317) .....	0790-AD60
688	Disseminating Acquisition Information (DAR Case 89-310) .....	0790-AD78
689	Buy American Act, Construction (DAR Case 91-048) .....	0790-AD83
690	Certificates of Competency (DAR Case 91-088) .....	0790-AD85
691	Environmental Surety Bonds (DAR Case 91-325) .....	0790-AD89
692	Orders under the Economy Act (DAR Case 92-D008) .....	0790-AD94
693	Insurance/Liability to Third parties (DAR Case 92-D015) .....	0790-AE00
694	Contractor Advisory Assistance Services (DAR Case 92-D016) .....	0790-AE01
695	Fluctuating Exchange Rates (DAR Case 92-D017) .....	0790-AE02
696	Quality Assurance Actions, Electronic Screening (DAR Case 92-D018) .....	0790-AE03

**Office of the Secretary—Proposed Rule Stage**

Se-quence Number	Title	Regulation Identifier Number
697	Total Quality Management (DoD Directive 5000.51) .....	0790-AB33
698	Joint Ventures (DAR Case 91-054) .....	0790-AD54
699	Waiver of Non-Manufacturer Rule (DAR Case 91-055) .....	0790-AD55
700	Electronic Funds Transfer (DAR Case 90-009) .....	0790-AD80
701	Uniform Suspension and Debarment (DAR Case 92-D007) .....	0790-AD93
702	Overhead Should Cost Reviews (DAR Case 92-D010) .....	0790-AD95
703	Adequate Price Competition (DAR Case 92-D011) .....	0790-AD96
704	Progress Payment Rates (DAR Case 92-D014) .....	0790-AD99

**Office of the Secretary—Final Rule Stage**

Se-quence Number	Title	Regulation Identifier Number
705	Restrictions on Lobbying .....	0790-AC54
706	Release of Acquisition-Related Information (DoD Directive 5230.aa) .....	0790-AC62
707	Department of Defense Personnel Security Program (DoD Directive 5200.2) .....	0790-AD25
708	Collection From Third Party Payers of Reasonable Costs of Health Care Services .....	0790-AD32
709	Fraud Payment Reductions (DAR Case 90-318) .....	0790-AD02
710	Timekeeping and Labor Accounting Systems (DAR Case 91-004) .....	0790-AD16
711	Waiver of United Kingdom Levies (DAR Case 91-027) .....	0790-AD21
712	Recovery of Nonrecurring Costs (DAR Case 91-033) .....	0790-AD22
713	Major Automated Systems (DAR Case 91-338) .....	0790-AD33
714	Government Personnel Work Products (DAR Case 91-313) .....	0790-AD34
715	Plant Clearance Officer Responsibilities (DAR Case 91-069) .....	0790-AD36
716	Contracting Officer's Decisions (DAR Case 91-043D) .....	0790-AD37
717	Educational Institutions (DAR Case 91-089) .....	0790-AD38
718	Contingency Small Purchases (DAR Case 91-310) .....	0790-AD42



DOD

## Office of the Secretary—Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
719	Contract Services (DAR Case 91-071) .....	0790-AD44
720	Component Breakout Program for Major Systems (DAR Case 91-058) .....	0790-AD52
721	Austria and Finland Memoranda of Understanding (DAR Case 91-080) .....	0790-AD56
722	Trade Agreements Act (DAR Case 91-092) .....	0790-AD57
723	Valves and Machine Tools (DAR Case 91-320) .....	0790-AD63
724	Carbonyl Iron Powders (DAR Case 91-321) .....	0790-AD64
725	Boycott of Israel (DAR Case 91-327) .....	0790-AD65
726	Audit of Contracts with Universities (DAR Case 91-348) .....	0790-AD72
727	Carbon Alloy or Steel (DAR Case 91-352) .....	0790-AD73
728	Severance Pay for Foreign Nationals (Dar Case 89-303) .....	0790-AD77
729	Acquisition of Commercial Items (DAR Case 89-316) .....	0790-AD79
730	Cost or Pricing Threshold (DAR Case 90-303) .....	0790-AD81
731	Contractor Establishment Code (DAR Case 91-072) .....	0790-AD84
732	IR&D and B&P costs (DAR Case 91-307) .....	0790-AD86
733	Subcontractor Payment Protections (DAR Case 91-311) .....	0790-AD87
734	Hazardous Waste Indemnification (DAR Case 91-324) .....	0790-AD88
735	Commercial buses and trucks (DAR Case 92-D003) .....	0790-AD90
736	Contract Reporting for Small Purchases during Contingencies (DAR Case 92-D004) .....	0790-AD91
737	Antitrust Notification (DAR Case 92-D005) .....	0790-AD92
738	Interagency Acquisitions under the Economy Act (DAR Case 92-D012) .....	0790-AD97
739	Federal Information Processing Resources Acquisitions (DAR Case 92-D013) .....	0790-AD98
740	Purchase from Military Exchanges (DAR Case 92-D301) .....	0790-AE04

## Office of the Secretary—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
741	Defense Industrial Personnel Security Clearance Review Program (DoD Directive 5220.6) .....	0790-AA84
742	Commercial Activities Program Procedures (DoD Instruction 4100.33) .....	0790-AD30
743	Uniform Reserve, Training and Retirement Categories (DoD Directive 1215.6) .....	0790-AD76
744	Acquisition of Commercial Items (DAR Case 89-316) .....	0790-AC43
745	Customary Progress Payment Rates (DAR Case 91-002) .....	0790-AD19
746	Air Circuit Breakers for Naval Ships, PL 101-510, Sec 1421 (DAR Case 91-303) .....	0790-AD24
747	Fish Prompt Payments (DAR Case 91-323) .....	0790-AD39
748	Economic or Employment Reports (DAR Case 91-343) .....	0790-AD40
749	Suspension and Debarment (DAR Case 91-350) .....	0790-AD41
750	Federally Funded Research and Development Centers (DAR Case 91-349) .....	0790-AD46
751	Qualified Nonprofit Subcontractors (DAR Case 91-346) .....	0790-AD47
752	Fixed Price Research and Development (DAR Case 91-339) .....	0790-AD48
753	Multiyear Contracts (DAR Case 91-336) .....	0790-AD49
754	Noncompetitive Awards to Universities (DAR Case 91-333) .....	0790-AD50
755	Research and Development Contract Limits (DAR Case 91-308) .....	0790-AD51
756	Noncompetitive Consultant Services (DAR Case 91-344) .....	0790-AD53
757	Historical Black Colleges and Universities Infrastructure (DAR Case 91-315) .....	0790-AD58
758	European Procurements (DAR Case 91-318) .....	0790-AD61
759	Buy American Act Waiver Rescissions (DAR Case 91-319) .....	0790-AD62
760	Natural Fiber Products (DAR Case 91-334) .....	0790-AD66
761	Coal and Coke (DAR Case 91-335) .....	0790-AD67
762	Anchor and Mooring Chain (DAR Case 91-340) .....	0790-AD68
763	Pitch Carbon Fiber (DAR Case 91-341) .....	0790-AD69
764	Software Costs (DAR Case 91-342) .....	0790-AD70
765	Multibeam Sonar (DAR Case 91-347) .....	0790-AD71
766	Overseas Workload Program (DAR Case 91-355) .....	0790-AD74
767	Ball or Roller Bearings (DAR Case 91-356) .....	0790-AD75



## DOD

## U.S. Army Corps of Engineers—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
768	Regulatory Programs of the Corps of Engineers, Part 325, Appendix D—Endangered Species Counterpart Regulations.....	0710-AA17

## U.S. Army Corps of Engineers—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
769	Part 326, Enforcement; Class II Administrative Penalties .....	0710-AA25
770	Regulatory Programs of the Corps of Engineers.....	0710-AA30
771	Nationwide Permit Program (New Nationwide Permits for Additional Activities).....	0710-AA32
772	Nationwide Permit Program (Low-Value Wetlands).....	0710-AA34
773	Regulatory Program of the Corps of Engineers—Administrative Permit .....	0710-AA36

## U.S. Army Corps of Engineers—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
774	Water Control Management (ER 1110-2-240), U.S. Army Corps of Engineers.....	0710-AA33
775	Regulatory Program of the Corps of Engineers—Excavation Activities .....	0710-AA35

## Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
776	Adjustments to Prices Under Shipbuilding Contracts.....	0703-AA34
777	Release of Official Information for Litigation.....	0703-AA39

## Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
778	Payments of Amounts Due Mentally Incompetent Members of the Naval Service .....	0703-AA36
779	Claims for Injuries to Property Under Article 139 of the Uniform Code of Military Justice .....	0703-AA37
780	Delivery of Servicemembers, Civilians, and Dependents; Service of Process and Subpoenas .....	0703-AA38
781	General Claims Provisions.....	0703-AA40
782	Personnel Claims Regulations .....	0703-AA41
783	Nonappropriated-Fund Claims Regulations.....	0703-AA42
784	Affirmative Claims Regulations .....	0703-AA43

## Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
785	Public Affairs Policies and Procedures (AFR 190-1).....	0701-AA18
786	Air Force Privacy Act Program (AFR 12-35).....	0701-AA30



DOD

## Department of the Air Force—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
787	Air Force Freedom of Information Act Program (AFR 12-30).....	0701-AA31
788	Air Force Materiel Command Contractor Performance Assessment (AFMC 800-54) .....	0701-AA33
789	Air Force Materiel Command Federal Acquisition Regulation Supplement; Special Contracting Methods, Vendor Rating System.....	0701-AA34
790	Environmental Impact Analysis Process (EIAP) (AFR 19-2) .....	0701-AA36
791	Air Force Federal Acquisition Regulation Supplement Clause: Contractor Toxicological Testing-Aircraft Accidents.....	0701-AA39
792	Acquisition of Information Concerning United States Persons and Organizations Not Affiliated With the Department of Defense (AFR 124-13) .....	0701-AA40

## Department of the Air Force—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
793	Utilization of Excess and Disposal of Surplus Real Property.....	0701-AA35

## Office of Assistant Secretary for Health Affairs—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
794	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Basic Program (DoD 6010.8-R) .....	0720-AA06
795	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Former Spouse/Widow(er) and Federal Claims Collection Act (DoD 6010.8-R) .....	0720-AA07
796	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Mammography and Papanicolaou (Pap) Tests (DoD 6010.8-R).....	0720-AA08
797	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Certified Marriage and Family Therapists (DoD 6010.8-R).....	0720-AA10
798	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Requirements for Coverage and Reimbursement of Services of Physicians in Teaching Settings (DoD 6010.8-R) .....	0720-AA13

## Office of Assistant Secretary for Health Affairs—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
799	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Supplemental Insurance Plans (DoD 6010.8-R).....	0720-AA01
800	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Program for the Handicapped (DoD 6010.8-R).....	0720-AA04

## Office of Assistant Secretary for Health Affairs—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
801	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Reimbursement of Individual Health Providers (DoD 6020.8-R) .....	0720-AA05
802	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Reimbursement of Individual Health Providers; Amendment (DoD 6010.8-R) .....	0720-AA09
803	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Drug Benefits; Appropriate Level of Care Provisions (DoD 6010.8-R).....	0720-AA11



DOD

Office of Assistant Secretary for Health Affairs—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
804	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Medical Documentation (DoD 6010.8-R)	0720-AA12

DEPARTMENT OF DEFENSE (DOD)  
Office of the Secretary (OS)

Prerule Stage

**685. PUBLIC-PRIVATE COMPETITION (DAR CASE 91-354)**

**Significance:** Agency Priority  
**Legal Authority:** PL 102-172, Sec 8120  
**CFR Citation:** 48 CFR 217  
**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 8120 to Pub. L. 102-172 which states that DOD may acquire modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other defense-related articles through competition between depot maintenance facilities and private firms.

**Timetable:**

Action	Date	FR Cite
Case opened	12/30/91	

Next Action Undetermined

**Small Entities Affected:** None  
**Government Levels Affected:** Federal  
**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD45

**686. BOND WAIVER TESTS (DAR CASE 91-316)**

**Significance:** Agency Priority  
**Legal Authority:** PL 102-190, Sec 813  
**CFR Citation:** 48 CFR 236  
**Legal Deadline:** Final, Statutory, August 31, 1992.

**Abstract:** Modify the Defense FAR Supplement to implement Section 813 of Pub. L. 102-190 which gives authority to exempt certain small businesses from the requirement to have surety bonds for construction contracts.

**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	

Next Action Undetermined

**Small Entities Affected:** Businesses  
**Government Levels Affected:** Federal  
**Analysis:** Regulatory Flexibility Analysis

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD59

**687. MENTOR-PROTEGE CREDITS (DAR CASE 91-317)**

**Significance:** Agency Priority  
**Legal Authority:** PL 102-190, Sec 814

**CFR Citation:** 48 CFR 219

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 814 of Pub. L. 102-190 to redefine ways for contractors to receive credit or reimbursement.

**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	

Next Action Undetermined  
**Small Entities Affected:** Businesses  
**Government Levels Affected:** Federal  
**Analysis:** Regulatory Flexibility Analysis

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD60

**688. ● DISSEMINATING ACQUISITION INFORMATION (DAR CASE 89-310)**

**Significance:** Agency Priority  
**Legal Authority:** PL 101-189, Sec 822  
**CFR Citation:** 48 CFR 203

**Legal Deadline:** Final, Statutory, March 28, 1992.

**Abstract:** Modify the Defense FAR Supplement to implement Section 822 of



DOD—OS

Prerule Stage

PL 101-189 to prescribe uniform regulations concerning disseminating of and access to acquisition information.

**Timetable:**

Action	Date	FR Cite
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Case opened	01/01/90	
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD78

**689. ● BUY AMERICAN ACT, CONSTRUCTION (DAR CASE 91-048)**

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 225

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a Department of the Army recommendation to establish a 50% differential for post-award waivers of the Buy American Act for DOD construction contracts.

**Timetable:**

Action	Date	FR Cite
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Case opened	08/14/91	
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD83

**690. ● CERTIFICATES OF COMPETENCY (DAR CASE 91-088)**

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 219

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a Department of the Army recommendation to have certificates of competency procedures apply to small business concerns regardless of where the contracting office is located.

**Timetable:**

Action	Date	FR Cite
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Case opened	02/13/92	
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD85

**691. ● ENVIRONMENTAL SURETY BONDS (DAR CASE 91-325)**

**Significance:** Agency Priority

**Legal Authority:** PL 102-190, Sec 336

**CFR Citation:** 48 CFR 228

**Legal Deadline:** Final, Statutory, December 5, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 336 of PL 102-190 which provides that sureties providing bid, performance or payment bonds in connection with a procurement under a defense environment restoration program and beginning activities to meet its obligations under such bonds, shall be entitled to reimbursement.

**Timetable:**

Action	Date	FR Cite
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Case opened	01/01/92	
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD89

**692. ● ORDERS UNDER THE ECONOMY ACT (DAR CASE 92-D008)**

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 217

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation of the Office of the Secretary of Defense requiring DOD to use only the DD Form 448 to place orders under the Economy Act.

**Timetable:**

Action	Date	FR Cite
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Case opened	03/25/92	
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD94

**693. ● INSURANCE/LIABILITY TO THIRD PARTIES (DAR CASE 92-D015)**

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 228

**Legal Deadline:** None



DOD—OS

Prerule Stage

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation of the Office of the Secretary of Defense to eliminate inconsistencies between the use of the clause at FAR 52.228-7, Insurance-Liability to Third Parties, and its Alternate I.

**Timetable:**

Action	Date	FR Cite
Case opened	05/06/92	
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7268

**RIN:** 0790-AE00

**694. ● CONTRACTOR ADVISORY ASSISTANCE SERVICES (DAR CASE 92-D016)**

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 237

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation of the Office of the Secretary of Defense to accommodate changes made to DOD Directive 4205.2 regarding contractor advisory and assistant services.

**Timetable:**

Action	Date	FR Cite
Case opened	06/03/92	
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 4D139, Pentagon, Washington, DC 20301-3000, 703 697-7268

**RIN:** 0790-AE01

**695. ● FLUCTUATING EXCHANGE RATES (DAR CASE 92-D017)**

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 225

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation of the Office of the Secretary of Defense to address exchange rate concerns.

**Timetable:**

Action	Date	FR Cite
Case opened	06/24/92	
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7268

**RIN:** 0790-AE02

**696. ● QUALITY ASSURANCE ACTIONS, ELECTRONIC SCREENING (DAR CASE 92-D018)**

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 248

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation of the Office of the Secretary of Defense to develop standard definitions for latent and patent defects.

**Timetable:**

Action	Date	FR Cite
Case opened	06/24/92	
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7268

**RIN:** 0790-AE03

**DEPARTMENT OF DEFENSE (DOD)  
Office of the Secretary (OS)**

Proposed Rule Stage

**697. TOTAL QUALITY MANAGEMENT (DOD DIRECTIVE 5000.51)**

**Legal Authority:** EO 12837

**CFR Citation:** 32 CFR 281

**Legal Deadline:** None

**Abstract:** This proposed rule establishes policy and assigns

responsibility for implementation of the Total Quality Management concept in the Department of Defense. The concept will be implemented both internally with the Department of Defense as well as in DoD acquisition strategies.

**Timetable:**

Action	Date	FR Cite
NPRM	07/19/89	54 FR 30227
NPRM Comment Period End	08/18/89	54 FR 30227

Next Action Undetermined

**Small Entities Affected:** Undetermined



DOD—OS

Proposed Rule Stage

**Government Levels Affected:**  
Undetermined

**Agency Contact:** F. Doherty,  
Department of Defense, Office of the  
Secretary, 703 695-7915

**RIN:** 0790-AB33

**698. ● JOINT VENTURES (DAR CASE 91-054)**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 219; 48 CFR 252

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to allow joint ventures between small disadvantaged businesses and non-disadvantaged small businesses to be eligible to participate in the DOD 5 percent goal program.

**Timetable:**

Action	Date	FR Cite
Case opened	08/28/91	
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Analysis:** Regulatory Flexibility Analysis

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Owen Green,  
Procurement Analyst, Department of  
Defense, Office of the Secretary,  
Defense Acquisition Regulations  
System, Room 3D139, Pentagon,  
Washington, DC 20301-3000, 703 697-  
7266

**RIN:** 0790-AD54

**699. ● WAIVER OF NON-MANUFACTURER RULE (DAR CASE 91-055)**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 219; 48 CFR 252

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a Secretary of Defense recommendation to apply Small Business Administration waivers

to the Small Disadvantaged Business set aside program.

**Timetable:**

Action	Date	FR Cite
Case opened	08/28/91	
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Analysis:** Regulatory Flexibility Analysis

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** Publication of proposed rule deferred pending conclusion of President's moratorium.

**Agency Contact:** Owen Green,  
Procurement Analyst, Department of  
Defense, Office of the Secretary,  
Defense Acquisition Regulations  
System, Room 3D139, Pentagon,  
Washington, DC 20301-3000, 703 697-  
7266

**RIN:** 0790-AD55

**700. ● ELECTRONIC FUNDS TRANSFER (DAR CASE 90-009)**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 232

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation by the Office of the Secretary of Defense to broaden the use of electronic funds transfer in DOD contracts.

**Timetable:**

Action	Date	FR Cite
Case opened	10/19/91	
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** Publication of proposed rule deferred pending conclusion of President's moratorium.

**Agency Contact:** Owen Green,  
Procurement Analyst, Department of  
Defense, Office of the Secretary,  
Defense Acquisition Regulations  
System, Room 3D139, Pentagon,  
Washington, DC 20301-3000, 703 697-  
7266

**RIN:** 0790-AD80

**701. ● UNIFORM SUSPENSION AND DEBARMENT (DAR CASE 92-D007)**

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 209

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation by the Office of the Secretary of Defense to include uniform suspension and debarment procedures.

**Timetable:**

Action	Date	FR Cite
Case opened	03/04/92	
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** Publication of proposed rule deferred pending conclusion of President's moratorium.

**Agency Contact:** Owen Green,  
Procurement Analyst, Department of  
Defense, Office of the Secretary,  
Defense Acquisition Regulations  
System, Room 3D139, Pentagon,  
Washington, DC 20301-3000, 703 697-  
7266

**RIN:** 0790-AD93

**702. ● OVERHEAD SHOULD COST REVIEWS (DAR CASE 92-D010)**

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 215

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation of the Office of the Secretary of Defense to provide guidance for the use of overhead should cost reviews.



DOD—OS

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
Case opened	04/08/92	
NPRM	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD95

**703. ● ADEQUATE PRICE COMPETITION (DAR CASE 92-D011)****Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 215**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation of the Office of the Secretary of Defense to clarify guidance

on adequate price competition in dual sourcing procurements.

**Timetable:**

Action	Date	FR Cite
Case opened	04/02/92	
NPRM	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** Publication of proposed rule deferred pending conclusion of President's moratorium.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD96

**704. ● PROGRESS PAYMENT RATES (DAR CASE 92-D014)****Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 232**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation of the Office of the Secretary of Defense to include changes in the method used to establish uniform customary progress payment rates and eliminate customary flexible progress payment rates on future DOD contracts.

**Timetable:**

Action	Date	FR Cite
Case opened	04/29/92	
NPRM	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** Publication of proposed rule deferred pending conclusion of President's moratorium.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD99

DEPARTMENT OF DEFENSE (DOD)  
Office of the Secretary (OS)

Final Rule Stage

**705. RESTRICTIONS ON LOBBYING****Legal Authority:** PL 102-121; 31 USC 1352; 5 USC 301; 10 USC 113**CFR Citation:** 32 CFR 282**Legal Deadline:** None

**Abstract:** The Department of Defense (DoD) is adopting the following interim rule establishing new restrictions on lobbying and will proceed with internal agency coordination, the results of which will be reflected in the final common rule. It is the Department of Defense's objective to establish uniform practices within the Office of the Secretary of Defense, the military departments, and the defense agencies that would be consistent with those being established by other executive departments and agencies in adopting this governmentwide rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6752

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Local, State

**Agency Contact:** F. Sobieszczyk, Department of Defense, Office of the Secretary, 703 614-0205

RIN: 0790-AC54

**706. RELEASE OF ACQUISITION-RELATED INFORMATION (DOD DIRECTIVE 5230.AA)****Legal Authority:** PL 101-169**CFR Citation:** 32 CFR 286h**Legal Deadline:** None

**Abstract:** This rule establishes the policy of the Department of Defense to make the maximum amount of acquisition-related information available to the public and to respond promptly to specific requests from the public.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/12/90	55 FR 28614
Interim Final Rule Comment Period End	08/13/90	55 FR 28614

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None



DOD—OS

Final Rule Stage

**Agency Contact:** S. Slavsky,  
Department of Defense, Office of the  
Secretary, 703 697-8335

**RIN:** 0790-AC62

#### 707. DEPARTMENT OF DEFENSE PERSONNEL SECURITY PROGRAM (DOD DIRECTIVE 5200.2)

**Legal Authority:** 50 USC 781

**CFR Citation:** 32 CFR 156

**Legal Deadline:** None

**Abstract:** The Department of Defense has revised and updated its policies regarding standards for the conduct of personnel security investigations, adjudication criteria for access to classified information and minimum due process procedures when an unfavorable personnel security determination is proposed. These changes are the first to the directive since 1979 and are attempting to make the source document for the DoD personnel program consistent with more recent policy development.

#### **Timetable:**

Action	Date	FR Cite
NPRM	06/10/91	56 FR 26634
NPRM Comment	07/10/91	56 FR 26634
Period End		

Next Action Undetermined

**Small Entities Affected:** Organizations

**Government Levels Affected:** Federal

**Agency Contact:** P. Nelson,  
Department of Defense, Office of the  
Secretary, 703 697-3039

**RIN:** 0790-AD25

#### 708. ● COLLECTION FROM THIRD PARTY PAYERS OF REASONABLE COSTS OF HEALTH CARE SERVICES

**Legal Authority:** 5 USC 301; 10 USC  
1095

**CFR Citation:** 32 CFR 220

**Legal Deadline:** None

**Abstract:** This rule implements recent legislative amendments to 10 USC 1095 that expanded the third party collection authority to cover outpatient services, automobile liability and no-fault insurance policies, and Medicare supplemental insurance plans.

#### **Timetable:**

Action	Date	FR Cite
NPRM	12/23/91	56 FR 66381
NPRM Comment	02/21/92	56 FR 66381
Period End		

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** S. Olson, Department  
of Defense, Office of the Secretary, 703  
693-2570

**RIN:** 0790-AD32

#### 709. FRAUD PAYMENT REDUCTIONS (DAR CASE 90-318)

**Significance:** Agency Priority

**Legal Authority:** PL 101-510, Sec 836

**CFR Citation:** 48 CFR 232

**Legal Deadline:** Final; Statutory, May 6,  
1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 836 of PL 101-150 which provides that agencies can reduce or suspend payments to a contractor if there is substantial evidence that the request for payment is based on fraud.

#### **Timetable:**

Action	Date	FR Cite
Case opened	11/15/90	
Interim Final Rule	01/29/92	57 FR 3358
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green,  
Procurement Analyst, Department of  
Defense, Office of the Secretary,  
Defense Acquisition Regulations  
System, Room 3D139, Pentagon,  
Washington, DC 20301-3000, 703 697-  
7268

**RIN:** 0790-AD02

#### 710. TIMEKEEPING AND LABOR ACCOUNTING SYSTEMS (DAR CASE 91-004)

**Legal Authority:** 5 USC 301; 10 USC  
2202

**CFR Citation:** 48 CFR 209; 48 CFR 242

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to clarify the requirement for contractors to have sufficient internal accounting controls.

#### **Timetable:**

Action	Date	FR Cite
Case opened	02/21/91	
NPRM	08/10/91	56 FR 26645
NPRM Comment	08/01/91	
Period End		
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** Publication of second proposed rule deferred pending conclusion of President's moratorium.

**Agency Contact:** Owen Green,  
Procurement Analyst, Department of  
Defense, Office of the Secretary,  
Defense Acquisition Regulations  
System, Room 3D139, Pentagon,  
Washington, DC 20301-3000, 703 697-  
7268

**RIN:** 0790-AD16

#### 711. WAIVER OF UNITED KINGDOM LEVIES (DAR CASE 91-027)

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 10 USC  
2202

**CFR Citation:** 48 CFR 215; 48 CFR 252

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement an Office of the Secretary of Defense recommendation to require offerors to identify commercial exploitation levies assessed by the Government of the United Kingdom.

#### **Timetable:**

Action	Date	FR Cite
Case Opened	04/24/91	
NPRM	10/21/91	56 FR 52497
NPRM Comment	12/20/91	
Period End		
Final Action	00/00/00	



DOD—OS

Final Rule Stage

Action	Date	FR Cite
Final Action Effective	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** Publication of final rule deferred pending conclusion of President's moratorium.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD21

**712. RECOVERY OF NONRECURRING COSTS (DAR CASE 91-033)**

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 234; 48 CFR 271

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement an Office of the Secretary of Defense recommendation to eliminate a requirement to collect recoupment charges on commercial, foreign and domestic sales.

**Timetable:**

Action	Date	FR Cite
Case Opened	06/19/91	
NPRM	10/25/91	56 FR 55264
NPRM Comment Period End	12/09/91	
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon,

Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD22

**713. MAJOR AUTOMATED SYSTEMS (DAR CASE 91-338)**

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8028

**CFR Citation:** 48 CFR 239

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 8028 of Pub. L. 102-172 which states that DOD cannot obligate funds for the acquisition of major automated information systems which have not successfully completed oversight reviews required by DOD regulations.

**Timetable:**

Action	Date	FR Cite
Case opened	12/30/91	
Interim Final Rule	04/23/92	57 FR 14988
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD33

**714. GOVERNMENT PERSONNEL WORK PRODUCTS (DAR CASE 91-313)**

**Significance:** Agency Priority

**Legal Authority:** PL 102-190, Sec 808

**CFR Citation:** 48 CFR 242

**Legal Deadline:** Final, Statutory, April 3, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 808 of Pub. L. 102-190 to prescribe regulations requiring DOD oversight employees to

retain control of their work products at contractors' plants.

**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	
Interim Final Rule	04/23/92	57 FR 14988
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD34

**715. PLANT CLEARANCE OFFICER RESPONSIBILITIES (DAR CASE 91-069)**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 245

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to provide a better definition of plant clearance officer responsibilities.

**Timetable:**

Action	Date	FR Cite
Case opened	10/15/91	
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon,



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RIN: 0790-AD36

**716. CONTRACTING OFFICER'S DECISIONS (DAR CASE 91-043D)****Significance:** Agency Priority**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 233**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to comply with the Contract Disputes Act of 1978 when a contractor's appeal involves a default matter absent a money claim.**Timetable:**

Action	Date	FR Cite
Case opened	08/14/91	
Interim Final Rule	11/27/91	56 FR 60066
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** Awaiting publication of FAR interim rule.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD37

**717. ● EDUCATIONAL INSTITUTIONS (DAR CASE 91-089)****Significance:** Agency Priority**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 231**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to incorporate OMB Circular A-21, which specifically identifies certain unallowable costs in contracts with educational institutions.**Timetable:**

Action	Date	FR Cite
Case opened	12/11/91	
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations Systems, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD38

**718. CONTINGENCY SMALL PURCHASES (DAR CASE 91-310)****Significance:** Agency Priority**Legal Authority:** PL 102-190, Sec 805**CFR Citation:** 48 CFR 213**Legal Deadline:** Final, Statutory, December 5, 1991.**Abstract:** Modify the Defense FAR Supplement to implement Section 805 of Pub. L. 102-190 to increase the small purchase threshold to \$100,000 for contingency operations outside the United States.**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	
NPRM	06/16/92	57 FR 26814
NPRM Comment Period End	07/15/92	
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon,

Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD42

**719. ● CONTRACT SERVICES (DAR CASE 91-071)****Significance:** Agency Priority**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 207; 48 CFR 237; 48 CFR 252**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to implement a recommendation from the Department of the Navy to develop guidance on continuation of essential contractor services by DOD contractors during crisis situations.**Timetable:**

Action	Date	FR Cite
Case opened	10/17/91	
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD44

**720. ● COMPONENT BREAKOUT PROGRAM FOR MAJOR SYSTEMS (DAR CASE 91-058)****Significance:** Agency Priority**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 217; 48 CFR ch II, app D**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to implement a Secretary of Defense recommendation to include a requirement for analysis of the tradeoff between savings available through component breakout and the increased



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risk to the Government of assuring responsibility for government-furnished equipment items.

**Timetable:**

Action	Date	FR Cite
Case opened	09/05/91	
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD52

### 721. ● AUSTRIA AND FINLAND MEMORANDA OF UNDERSTANDING (DAR CASE 91-080)

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 225

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a Secretary of Defense recommendation to add Austria and Finland to the list of qualifying country sources.

**Timetable:**

Action	Date	FR Cite
Case opened	12/04/91	
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** Publication of final rule deferred pending conclusion of President's moratorium.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD56

### 722. ● TRADE AGREEMENTS ACT (DAR CASE 91-092)

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 225

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a Secretary of Defense recommendation to change the threshold for determining whether purchases are subject to the Trade Agreements Act to \$176,000.

**Timetable:**

Action	Date	FR Cite
Case opened	12/20/91	
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD57

### 723. VALVES AND MACHINE TOOLS (DAR CASE 91-320)

**Significance:** Agency Priority

**Legal Authority:** PL 102-190, Sec 834

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, December 5, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 834 of Pub. L. 102-190 which extends the restrictions on foreign purchases of valves and machine tools through fiscal

year 1996. It also expands language to subcontractors.

**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	
Interim Final Rule	04/23/92	57 FR 14988
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD63

### 724. CARBONYL IRON POWDERS (DAR CASE 91-321)

**Significance:** Agency Priority

**Legal Authority:** PL 102-190, Sec 835

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 835 of Pub. L. 102-190 to eliminate the Secretary of Defense's authority to terminate the restriction on carbonyl iron powders after fiscal year 1994.

**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	
Interim Final Rule	04/23/92	57 FR 14988
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of



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RIN: 0790-AD64

**725. BOYCOTT OF ISRAEL (DAR CASE 91-327)**

**Significance:** Agency Priority

**Legal Authority:** PL 102-190

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 28, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 1075A of Pub. L. 102-190 which states that no Department of Defense contract over the small purchase threshold may be awarded to a foreign entity unless it certifies that it does not comply with the secondary boycott of Israel.

**Timetable:**

Action	Date	FR Cite
Case opened	12/30/91	
Interim Final Rule	06/30/92	57 FR 29041
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD65

**726. AUDIT OF CONTRACTS WITH UNIVERSITIES (DAR CASE 91-348)**

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8106

**CFR Citation:** 48 CFR 215

**Legal Deadline:** Final, Statutory, November 28, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8106 of Pub. L. 102-172 which states that no

contract shall be made with a university unless the contract is audited in accordance with the Federal Acquisition Regulation, the Defense FAR Supplement or other audit standards, and the university responds to all formal requests for financial information.

**Timetable:**

Action	Date	FR Cite
Case opened	12/30/91	
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD72

**727. CARBON ALLOY OR STEEL (DAR CASE 91-352)**

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8111

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 28, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8111 of Pub. L. 102-172 which states that DOD cannot expend funds to procure carbon, alloy or armor plate for use in any government-owned facility or property under DOD control which were not melted and rolled in the United States or Canada.

**Timetable:**

Action	Date	FR Cite
Case opened	12/30/91	
Interim Final Rule	04/23/92	57 FR 14988
Final Action	10/31/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a

statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD73

**728. SEVERANCE PAY FOR FOREIGN NATIONALS (DAR CASE 89-303)**

**Significance:** Agency Priority

**Legal Authority:** PL 101-189, Sec 311(A)

**CFR Citation:** 48 CFR 231; 48 CFR 237

**Legal Deadline:** Final, Statutory, November 29, 1989.

**Abstract:** Modify the Defense FAR Supplement to implement Section 311(A) of PL 101-189 to restrict allowability of severance pay to foreign nationals under service contracts performed outside the United States.

**Timetable:**

Action	Date	FR Cite
Case opened	05/06/92	
Final Action	10/15/92	
Final Action Effective	10/15/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD77

**729. ACQUISITION OF COMMERCIAL ITEMS (DAR CASE 89-316)**

**Significance:** Agency Priority

**Legal Authority:** PL 101-189, Sec 824

**CFR Citation:** 48 CFR 211



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**Legal Deadline:** Final, Statutory, August 3, 1990.

**Abstract:** Modify the Defense FAR Supplement to implement Section 824b of PL 101-189 to develop a simplified uniform contract for the acquisition of commercial items.

**Timetable:**

Action	Date	FR Cite
Case opened	12/06/89	
NPRM	07/11/90	55 FR 28514
NPRM Comment Period End	08/27/90	
Interim Final Rule	04/23/91	56 FR 18160
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD79

### 730. ● COST OR PRICING THRESHOLD (DAR CASE 90-303)

**Significance:** Agency Priority

**Legal Authority:** PL 101-150, Sec 803

**CFR Citation:** 48 CFR 252

**Legal Deadline:** Final, Statutory, May 5, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 803 of PL 101-510 which raises the threshold for certified cost and pricing data to \$500,000.

**Timetable:**

Action	Date	FR Cite
Case opened	04/01/92	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no

paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD81

### 731. ● CONTRACTOR ESTABLISHMENT CODE (DAR CASE 91-072)

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 204

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation from the Office of the Secretary of Defense to revise contractor establishment codes.

**Timetable:**

Action	Date	FR Cite
Case opened	10/25/91	
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD84

### 732. ● IR&D AND B&P COSTS (DAR CASE 91-307)

**Significance:** Agency Priority

**Legal Authority:** PL 102-190, Sec 802

**CFR Citation:** 48 CFR 225; 48 CFR 231; 48 CFR 242

**Legal Deadline:** Final, Statutory, June 1, 1992.

**Abstract:** Modify the Defense FAR Supplement to implement Section 802 of PL 102-190 to prescribe regulations governing payment, by DOD, of expenses incurred by contractors for Independent Research and Development and Bid and Proposal costs.

**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	
NPRM	04/01/92	57 FR 11059
NPRM Comment Period End	05/01/92	
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Analysis:** Regulatory Flexibility Analysis

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** DFARS rule dependent upon publication of FAR rule.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD86

### 733. ● SUBCONTRACTOR PAYMENT PROTECTIONS (DAR CASE 91-311)

**Significance:** Agency Priority

**Legal Authority:** PL 102-190, Sec 806

**CFR Citation:** 48 CFR 228; 48 CFR 232; 48 CFR 252

**Legal Deadline:** Final, Statutory, August 31, 1992.

**Abstract:** Modify the Defense FAR Supplement to implement Section 806 of PL 102-190 to advise subcontractors, when requested, of payment terms, payment bonds and progress payments.

**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	
NPRM	07/01/92	57 FR 29269



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Action	Date	FR Cite
NPRM Comment	07/31/92	
Period End		
Final Action	10/15/92	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Analysis:** Regulatory Flexibility Analysis

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD87

#### 734. ● HAZARDOUS WASTE INDEMNIFICATION (DAR CASE 91-324)

**Significance:** Agency Priority**Legal Authority:** PL 102-190, Sec 331**CFR Citation:** 48 CFR 223**Legal Deadline:** Final, Statutory, February 6, 1992.

**Abstract:** Modify the Defense FAR Supplement to implement Section 331 of PL 102-190 to require subcontractors or contractors to reimburse the government for liabilities incurred that are caused by contractor and subcontractor breach of terms of the contract or subcontract or of any willful or negligent act of the contractor or subcontractor.

**Timetable:**

Action	Date	FR Cite
Case opened	12/23/91	
Interim Final Rule	04/23/92	57 FR 14988
Final Action	10/15/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary,

Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD88

#### 735. ● COMMERCIAL BUSES AND TRUCKS (DAR CASE 92-D003)

**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR ch II, app B**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation from the Office of the Secretary of Defense to transfer responsibility to GSA for procurement of all DOD requirements for commercial, non-tactical, passenger carrying vehicles, buses and trucks regardless of weight.

**Timetable:**

Action	Date	FR Cite
Case opened	02/12/92	
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD90

#### 736. ● CONTRACT REPORTING FOR SMALL PURCHASES DURING CONTINGENCIES (DAR CASE 92-D004)

**Significance:** Agency Priority**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 204; 48 CFR 253**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement Defense Logistics Agency recommendation to preposition reporting requirements to be

used when a contingency is declared and the small purchase threshold is increased to \$100,000.

**Timetable:**

Action	Date	FR Cite
Case opened	02/12/92	
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** Publication of final rule deferred pending conclusion of President's moratorium.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD91

#### 737. ● ANTITRUST NOTIFICATION (DAR CASE 92-D005)

**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 245**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a Defense Logistics Agency recommendation to make the DFARS consistent with the Federal Property Management Regulations by changing the term "Acquisition Costs" to "Fair Market Value".

**Timetable:**

Action	Date	FR Cite
Case opened	03/04/92	
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.



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**Additional Information:** Publication of final rule deferred pending conclusion of President's moratorium.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD92

**738. ● INTERAGENCY ACQUISITIONS UNDER THE ECONOMY ACT (DAR CASE 92-D012)**

**Legal Authority:** 5 USC 301; 10 USC 2202; 31 USC 1535(a)

**CFR Citation:** 48 CFR 217

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a Department of the Navy recommendation to add a fourth criterion for satisfying interagency acquisition of goods and services.

**Timetable:**

Action	Date	FR Cite
Case opened	04/08/92	
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** Publication of final rule deferred pending conclusion of President's moratorium.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD97

**739. ● FEDERAL INFORMATION PROCESSING RESOURCES ACQUISITIONS (DAR CASE 92-D013)**

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 239

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement a recommendation of the Office of the Secretary of Defense to state that the Department of Defense is permitted to use the Federal information Resource management regulations when acquiring Federal information processing that is exempt from the Brooks Act by the Warner amendment.

**Timetable:**

Action	Date	FR Cite
Case opened	04/15/92	
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary,

Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD98

**740. ● PURCHASE FROM MILITARY EXCHANGES (DAR CASE 92-D301)**

**Significance:** Agency Priority

**Legal Authority:** PL 101-189, Sec 2424

**CFR Citation:** 48 CFR 206

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement Section 2424 of PL 101-189 to authorize contracting with overseas military exchanges for supplies and services to be used by the Armed Forces overseas.

**Timetable:**

Action	Date	FR Cite
Case opened	05/28/92	
Final Action	10/31/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Acquisitions System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AE04

DEPARTMENT OF DEFENSE (DOD)

Office of the Secretary (OS)

Completed Actions

**741. DEFENSE INDUSTRIAL PERSONNEL SECURITY CLEARANCE REVIEW PROGRAM (DOD DIRECTIVE 5220.6)**

**Legal Authority:** 10 USC 139; EO 10865

**CFR Citation:** 32 CFR 155

**Legal Deadline:** None

**Abstract:** This part updates policy, criteria, and procedures of the Defense Industrial Personnel Security Clearance

Review Program. It incorporates adjudication policies set forth in DoD 5200.2-R (32 CFR Part 154); reinstates reversal authority for Appeal Board; amends reimbursement procedures; provides for adverse action upon issuance of Administrative Judge rather than upon appellate decisions; provides for open hearings; and various other changes such as the role of Director.

**Timetable:**

Action	Date	FR Cite
NPRM	03/11/91	56 FR 10215
NPRM Comment Period End	04/10/91	56 FR 10215
Final Action	02/14/92	57 FR 5383
Final Action Effective	03/16/92	57 FR 5383

**Small Entities Affected:** Undetermined



## DOD—OS

## Completed Actions

**Government Levels Affected:** State, Federal

**Agency Contact:** L. Schachter, Department of Defense, Office of the Secretary, 703 696-4599

**RIN:** 0790-AA84

**742. ● COMMERCIAL ACTIVITIES PROGRAM PROCEDURES (DOD INSTRUCTION 4100.33)**

**Legal Authority:** 5 USC 301; 5 USC 552

**CFR Citation:** 32 CFR 169a

**Legal Deadline:** None

**Abstract:** The Department of Defense is revising its rules regarding the Commercial Activities Program Procedures to incorporate changes to 32 CFR part 169a required by the Office of Management and Budget interim procedural changes to their Circular A-78 and is implementing the DoD policies established in this part. This amendment is designed to provide current instructions to the DoD Commercial Activities Program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/91	56 FR 67025
NPRM Comment Period End	02/24/92	58 FR 67025
Final Action	07/01/92	57 FR 29206
Final Action Effective	07/08/92	57 FR 29206

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** E. Dehart, Department of Defense, Office of the Secretary, 703 758-5641

**RIN:** 0790-AD30

**743. ● UNIFORM RESERVE, TRAINING AND RETIREMENT CATEGORIES (DOD DIRECTIVE 1215.6)**

**Legal Authority:** 10 USC 136

**CFR Citation:** 32 CFR 102

**Legal Deadline:** None

**Abstract:** This rule establishes new policies and procedures consistent with recent changes in law and development of revised Defense Department policy. This revision provides increased flexibility to the Military Departments for the management and training of Reserve component personnel within

established Reserve training and retirement categories.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	12/18/90	57 FR 3541
Final Action	01/30/92	57 FR 3541

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** W. Spruell, Department of Defense, Office of the Secretary, 703 695-7429

**RIN:** 0790-AD76

**744. ACQUISITION OF COMMERCIAL ITEMS (DAR CASE 89-316)**

**Significance:** Agency Priority

**Legal Authority:** PL 101-189, Sec 824

**CFR Citation:** 48 CFR 211

**Legal Deadline:** Final, Statutory, August 2, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 824 of PL 101-189, which requires the development of a simplified uniform contract for the acquisition of commercial items.

**Timetable:**

Action	Date	FR Cite
Case Opened	12/06/89	
NPRM	07/11/90	55 FR 28514
NPRM Comment Period End	08/27/90	
Interim Final Rule	04/23/91	58 FR 18610
Final Action DAC 91-2, Item VI.	04/23/92	57 FR 14988
Final Action Effective	04/23/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Analysis:** Regulatory Flexibility Analysis

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon,

Washington, DC 20301-3000, 703 697-7268

**RIN:** 0790-AC43

**745. CUSTOMARY PROGRESS PAYMENT RATES (DAR CASE 91-002)**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 10 USC 2202

**CFR Citation:** 48 CFR 232; 48 CFR 252

**Legal Deadline:** None

**Abstract:** Modify the Defense FAR Supplement to implement an Office of the Secretary of Defense recommendation to increase customary uniform progress payment rates for DoD contracts.

**Timetable:**

Action	Date	FR Cite
Case opened	04/10/91	
Case withdrawn. Changed to FAR rule.	07/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7268

**RIN:** 0790-AD19

**746. AIR CIRCUIT BREAKERS FOR NAVAL SHIPS, PL 101-510, SEC 1421 (DAR CASE 91-303)**

**Significance:** Agency Priority

**Legal Authority:** PL 101-510, Sec 1421

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 5, 1990.

**Abstract:** Modify the Defense FAR Supplement to implement section 1421 of PL 101-510 which prohibits the purchase of Air Circuit Breakers for Naval Vessels from other than US firms.



DOD—OS

Completed Actions

## Timetable:

Action	Date	FR Cite
Case Opened	05/30/91	
NPRM	12/09/91	56 FR 64211
NPRM Comment Period End	01/08/92	
Final Action DAC 91-2, Item X.	04/23/92	57 FR 14988
Final Action Effective	04/23/92	

Small Entities Affected: None

Government Levels Affected: Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD24

## 747. FISH PROMPT PAYMENTS (DAR CASE 91-323)

Significance: Agency Priority

Legal Authority: PL 102-190, Sec 842

CFR Citation: 48 CFR 232

Legal Deadline: Final, Statutory, December 5, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 842 of Pub. L. 102-190 to add fish to meat and dairy products that require payment within 7 days.

## Timetable:

Action	Date	FR Cite
Case opened	12/02/91	
Case withdrawn. Changed to FAR rule.	07/01/92	

Small Entities Affected: None

Government Levels Affected: Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon,

Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD39

## 748. ECONOMIC OR EMPLOYMENT REPORTS (DAR CASE 91-343)

Significance: Agency Priority

Legal Authority: PL 102-172, Sec 8050

CFR Citation: 48 CFR 231

Legal Deadline: Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8050 of Pub. L. 102-172 which states that funds cannot be obligated or expended to prepare or assist a contractor to prepare any material, report, list or analysis of actual or projected economic or employment impact if all research, development, testing and evaluation have not been completed.

## Timetable:

Action	Date	FR Cite
Case opened	12/30/91	
Case closed. No DFARS language required.	02/12/92	

Small Entities Affected: None

Government Levels Affected: Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD40

## 749. SUSPENSION AND DEBARMENT (DAR CASE 91-350)

Significance: Agency Priority

Legal Authority: PL 102-172, Sec 8110

CFR Citation: 48 CFR 209

Legal Deadline: Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 8110 of Pub. L. 102-172 which does not allow the use of funds when a felony criminal

conviction automatically results in debarment.

## Timetable:

Action	Date	FR Cite
Case opened	12/30/91	
Final Action DAC 91-2, Item V.	04/23/92	57 FR 14988

Small Entities Affected: None

Government Levels Affected: Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD41

## 750. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (DAR CASE 91-349)

Significance: Agency Priority

Legal Authority: PL 102-172, Sec 8107

CFR Citation: 48 CFR 235

Legal Deadline: Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 8107 of Pub. L. 102-172 which limits funds for Federally Funded Research and Development Centers to 4 percent less than the amount appropriated for fiscal year 91.

## Timetable:

Action	Date	FR Cite
Case opened	12/30/91	
Final Action DAC 91-2, Item XV.	04/23/92	57 FR 14988
Final Action Effective	04/23/92	

Small Entities Affected: None

Government Levels Affected: Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations



DOD—OS

Completed Actions

System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD46

#### 751. QUALIFIED NONPROFIT SUBCONTRACTORS (DAR CASE 91-346)

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8082

**CFR Citation:** 48 CFR 215

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8082 of Pub. L. 102-172 which provides that qualified nonprofit agencies for the blind or other severely handicapped shall be given every opportunity to participate as subcontractors and suppliers.

#### Timetable:

Action	Date	FR Cite
Case opened	12/30/91	
Case closed. No DFARS language required.	04/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD47

#### 752. FIXED PRICE RESEARCH AND DEVELOPMENT (DAR CASE 91-339)

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8037

**CFR Citation:** 48 CFR 235

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 8037 of Pub. L. 102-172 which prohibits the obligation or expenditure of funds for fixed price type contracts over \$10

million for development of major systems or subsystems unless realistic pricing can occur.

#### Timetable:

Action	Date	FR Cite
Case opened	12/30/91	
Final Action DAC 91-2, Item XIV.	04/23/92	57 FR 14988
Final Action Effective	04/23/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD48

#### 753. MULTIYEAR CONTRACTS (DAR CASE 91-336)

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8013

**CFR Citation:** 48 CFR 235

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8013 of Pub. L. 102-172 which states that DOD must notify Congress before initiating a multiyear contract that uses economic order quantity procurement over \$20 million or a contract for advance procurement leading to a multiyear contract that uses economic order quantities over \$20 million in any one year.

#### Timetable:

Action	Date	FR Cite
Case opened	12/30/91	
Final Action DAC 91-2, Item XVII.	04/23/92	57 FR 14988
Final Action Effective	04/23/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a

statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD49

#### 754. NONCOMPETITIVE AWARDS TO UNIVERSITIES (DAR CASE 91-333)

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 401

**CFR Citation:** 48 CFR 235

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 401 of Pub. L. 102-172 which provides that grants to colleges and universities for research and development or for construction of research or other facilities shall be made without regard to competition.

#### Timetable:

Action	Date	FR Cite
Case opened	12/30/91	
Final Action DAC 91-2, Item IV.	04/23/92	57 FR 14988

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD50

#### 755. RESEARCH AND DEVELOPMENT CONTRACT LIMITS (DAR CASE 91-308)

**Significance:** Agency Priority

**Legal Authority:** PL 102-190, Sec 803

**CFR Citation:** 48 CFR 235

**Legal Deadline:** Final, Statutory, October 31, 1991.



## DOD—OS

## Completed Actions

**Abstract:** Modify the Defense FAR Supplement to implement section 803 of Pub. L. 102-190 to allow DOD to exceed the research and development contract limits to 10 years with notification to Congress.

**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	
Final Action DAC 91-2, Item XIII.	04/23/92	57 FR 14988

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD51

### 756. NONCOMPETITIVE CONSULTANT SERVICES (DAR CASE 91-344)

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8052

**CFR Citation:** 48 CFR 206

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8052 of Pub. L. 102-172 which states that DOD cannot expend funds for a contract for studies, analyses, or consulting services entered into without competition unless only 1 source is qualified, the purpose of the contract is to explore unsolicited proposals, or it is to take advantage of the uniqueness of a particular company.

**Timetable:**

Action	Date	FR Cite
Case opened	12/30/91	
Final Action DAC 91-2, Item XVIII.	04/23/92	57 FR 14988
Final Action Effective	04/23/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D134, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD53

### 757. HISTORICAL BLACK COLLEGES AND UNIVERSITIES INFRASTRUCTURE (DAR CASE 91-315)

**Significance:** Agency Priority

**Legal Authority:** PL 102-190, Sec 812

**CFR Citation:** 48 CFR 235

**Legal Deadline:** Final, Statutory, August 31, 1992.

**Abstract:** Modify the Defense FAR Supplement to implement section 812 of Pub. L. 102-190 which provides infrastructure assistance to historically black colleges and universities and minority institutions.

**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	
Case closed. No DFARS language needed.	03/11/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD58

### 758. EUROPEAN PROCUREMENTS (DAR CASE 91-318)

**Significance:** Agency Priority

**Legal Authority:** PL 102-190, Sec 832

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement Section 832 of Pub. L. 102-190 to establish procedures to discuss Defense contract awards made by European governments that American businesses believe were awarded unfairly.

**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	
Case closed. No DFARS language needed.	02/12/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD61

### 759. BUY AMERICAN ACT WAIVER RESCISSIONS (DAR CASE 91-319)

**Significance:** Agency Priority

**Legal Authority:** PL 102-190, Sec 833

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 833 of Pub. L. 102-190 which states that the Secretary of Defense may rescind Buy American Act waivers when foreign countries discriminate against U.S. products.

**Timetable:**

Action	Date	FR Cite
Case opened	12/02/91	
Case closed. No DFARS language needed.	02/12/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal



DOD—OS

Completed Actions

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20302-3000, 703 697-7266

RIN: 0790-AD62

#### 760. NATURAL FIBER PRODUCTS (DAR CASE 91-334)

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8005

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8005 of Pub. L. 102-172 which limits purchases of food, clothing, tents, tarpaulins, covers, and other natural fiber items to only small purchases.

#### Timetable:

Action	Date	FR Cite
Case opened	12/30/91	
Final Action DAC 91-2, Item XVIII.	04/23/92	57 FR 14988

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD66

#### 761. COAL AND COKE (DAR CASE 91-335)

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8008

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8008 of Pub. L. 102-172 which states that Military departments shall not purchase coal or coke from foreign nations for use at U.S. Defense facilities when coal or coke from the United States is available.

#### Timetable:

Action	Date	FR Cite
Case opened	12/30/91	
Case closed. No DFARS language needed.	02/12/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD67

#### 762. ANCHOR AND MOORING CHAIN (DAR CASE 91-340)

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8040

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8040 of Pub. L. 102-172 which prohibits the purchase of anchor and mooring chain 4 inches or less in diameter unless they are manufactured in the United States from components substantially manufactured in the United States.

#### Timetable:

Action	Date	FR Cite
Case opened	12/30/91	
Final Action DAC 91-2, Item XVIII.	04/23/92	57 FR 14988

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a

statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD68

#### 763. PITCH CARBON FIBER (DAR CASE 91-341)

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8040

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8040 of Pub. L. 102-172 which directs the Secretary of Defense to assure that a minimum of 75 percent of coal and petroleum carbon fiber is procured from domestic sources by 1994.

#### Timetable:

Action	Date	FR Cite
Case opened	12/03/91	
Case closed. No DFARS language required.	02/12/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD69

#### 764. SOFTWARE COSTS (DAR CASE 91-342)

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8044

**CFR Citation:** 48 CFR 215

**Legal Deadline:** Final, Statutory, November 26, 1991.



DOD—OS

Completed Actions

**Abstract:** Modify the Defense FAR Supplement to implement section 8044 of Pub. L. 102-172 which states that all new DOD procurements shall separately identify software costs in the work breakdown structure in those instances where software is considered to be a major category of cost.

**Timetable:**

Action	Date	FR Cite
Case opened	12/30/91	
Case closed. No	02/12/92	
DFARS language required.		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD70

**765. MULTIBEAM SONAR (DAR CASE 91-347)**

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8093

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8093 of Pub. L. 102-172 which prohibits the obligation of funds for procurement of a multibeam sonar mapping system not manufactured in the United States.

**Timetable:**

Action	Date	FR Cite
Case opened	12/30/91	
Case closed. No	03/11/92	
DFARS language required.		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD71

**766. OVERSEAS WORKLOAD PROGRAM (DAR CASE 91-355)**

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8122

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8122 of Pub. L. 102-172 which provides that firms in the European theater be eligible to bid on any contract for maintenance, repair or overhaul of DOD equipment awarded under competitive procedures.

**Timetable:**

Action	Date	FR Cite
Case opened	12/30/91	
Case closed. No	06/09/92	
DFARS language required.		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a

statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD74

**767. BALL OR ROLLER BEARINGS (DAR CASE 91-356)**

**Significance:** Agency Priority

**Legal Authority:** PL 102-172, Sec 8127

**CFR Citation:** 48 CFR 225

**Legal Deadline:** Final, Statutory, November 26, 1991.

**Abstract:** Modify the Defense FAR Supplement to implement section 8127 of Pub. L. 102-172 which states DOD cannot obligate fiscal year 1992 funds for procurement of ball bearings or roller bearings other than in accordance with Defense FAR Supplement subpart 208.79.

**Timetable:**

Action	Date	FR Cite
Case opened	12/30/91	
Case closed. No	04/01/92	
DFARS language required.		

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

**RIN:** 0790-AD75



**DEPARTMENT OF DEFENSE (DOD)**  
**U.S. Army Corps of Engineers (COE)**

Prerule Stage

**768. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APPENDIX D—ENDANGERED SPECIES COUNTERPART REGULATIONS**

**Legal Authority:** 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

**CFR Citation:** 33 CFR 325, app 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
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** No schedule at this time.

**Agency Contact:** Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-1780

**RIN:** 0710-AA17

**DEPARTMENT OF DEFENSE (DOD)**  
**U.S. Army Corps of Engineers (COE)**

Proposed Rule Stage

**769. PART 326, ENFORCEMENT; CLASS II ADMINISTRATIVE PENALTIES**

**Significance:** Agency Priority

**Legal Authority:** 33 USC 1319(g)

**CFR Citation:** 33 CFR 326.7

**Legal Deadline:** None

**Abstract:** The regulation provides the procedures for assessing Class II administrative penalties for violations of the conditions and limitations contained in permits issued by the Corps of Engineers pursuant to section 404 of the Clean Water Act. Clean Water Act Class II administrative penalties may not exceed \$10,000 per day, and may not exceed a maximum of \$125,000.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	03/00/93	
Period End		
Final Action	09/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Public Compliance Cost:** Initial Cost: \$1,000,000; Yearly Recurring Cost: \$3,000,000; Base Year for Dollar Estimates: 1989

**Sectors Affected:** All

**Agency Contact:** Jack T. Chowning, Policy Development Section, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue NW., Washington, DC 20314-1000, 202 272-1781

**RIN:** 0710-AA25

**770. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS**

**Significance:** Regulatory Program

**Legal Authority:** 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

**CFR Citation:** 33 CFR 320 to 330

**Legal Deadline:** None

**Abstract:** The Corps of Engineers intends to make numerous clarifications to its existing regulations at 33 CFR 320-330, to consolidate all permit regulations into one document, and to reorganize 33 CFR 325 for clarity. Since the Corps Regulatory Program final regulations were published in the Federal Register on November 13, 1986 (51 CFR 41206), there has been need to clarify several of those provisions. Since 1986, we have adopted 2 new appendices at 33 CFR 325, appendices B and C. We have proposed several changes that include Nationwide Permit Program (33 CFR 330) and Class II Administrative Civil Penalties. For clarity, we intend to consolidate all these changes into one document.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		
Final Action	09/00/93	
Final Action	11/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue NW., Washington, DC 20314-1000, 202 272-1782

**RIN:** 0710-AA30

**771. NATIONWIDE PERMIT PROGRAM (NEW NATIONWIDE PERMITS FOR ADDITIONAL ACTIVITIES)**

**Significance:** Regulatory Program

**Legal Authority:** 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

**CFR Citation:** 33 CFR 330

**Legal Deadline:** None

**Abstract:** The Corps will propose new nationwide permits based on a review of activities being authorized by individual permit. The Corps regulatory program needs additional streamlining. The authorization of activities by nationwide permits is the most efficient and effective way to regulate minor activities with minimal impacts and



## DOD—COE

## Proposed Rule Stage

thus reduce the regulatory burden of the Corps regulatory program while maintaining environmental safeguards.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	01/00/93	
Period End		
Final Action	05/00/93	
Final Action	07/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0199

**RIN:** 0710-AA32

### 772. NATIONWIDE PERMIT PROGRAM (LOW-VALUE WETLANDS)

**Significance:** Regulatory Program

**Legal Authority:** 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

**CFR Citation:** 33 CFR 330

**Legal Deadline:** None

**Abstract:** The Corps will propose a new nationwide permit for low-value wetlands in an effort to reduce unnecessary regulation while

maintaining needed environmental protection. Activities that occur in low-value wetlands are those that have the least impact on the aquatic environment. The low-value wetland category would be based on the efforts of an interagency technical committee on wetlands categorization and mitigation banking.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	05/00/93	
Period End		
Final Action	09/00/93	
Final Action	11/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0199

**RIN:** 0710-AA34

### 773. ● REGULATORY PROGRAM OF THE CORPS OF ENGINEERS—ADMINISTRATIVE PERMIT

**Significance:** Agency Priority

**Legal Authority:** 33 USC 403 et seq; 33 USC 1344

**CFR Citation:** 33 CFR 325

**Legal Deadline:** None

**Abstract:** The Corps of Engineers would add an administrative permit process to its regulatory program regulations to provide that, except when necessary to comply with laws and regulations, a permit would be automatically granted if the Corps failed to make a final decision on a complete application within 180 days. This is part of the President's Wetlands Protection Plan for streamlining the regulatory process while increasing protection of wetlands.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	01/00/93	
Final Action	03/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-1782

**RIN:** 0710-AA36

## DEPARTMENT OF DEFENSE (DOD)

## Final Rule Stage

## U.S. Army Corps of Engineers (COE)

### 774. WATER CONTROL MANAGEMENT (ER 1110-2-240), U.S. ARMY CORPS OF ENGINEERS

**Legal Authority:** 33 USC 709; 16 USC 791(A)

**CFR Citation:** 33 CFR 222.7

**Legal Deadline:** Final, Statutory, January 1, 1992.

**Abstract:** Section 310(b) of the Water Resources Development Act of 1990 requires the Corps to issue regulations providing significant opportunities for public participation including public hearings (public meetings), in developing or revising reservoir water control manuals. The Secretary of the Army is required to issue regulations implementing this part of the act. The Army Corps of Engineers owns and

operates over 500 major water projects. The Water Control Management policies and procedures followed in carrying out water control management activities are included in Engineering Regulation (ER) 1110-2-240.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	
Final Action	01/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Charles Sullivan, Department of Defense, U.S. Army Corps of Engineers, Washington, DC

20314, ATTN: CECW-EH-W, 202 272-8509

**RIN:** 0710-AA33

### 775. ● REGULATORY PROGRAM OF THE CORPS OF ENGINEERS—EXCAVATION ACTIVITIES

**Significance:** Agency Priority

**Legal Authority:** 33 USC 1344

**CFR Citation:** 33 CFR 323; 33 CFR 328

**Legal Deadline:** None

**Abstract:** The Corps of Engineers would clarify: 1) when excavation activities result in a discharge of dredged material; 2) when the placement of pilings results in a discharge of material; and 3) that prior croplands are not waters of the United



## DOD—COE

## Final Rule Stage

States. A permit is required under section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States. In the last few years confusion over these issues has increased. The Environmental Protection Agency would include consistent changes to its Clean Water Act program regulations. This rulemaking is concurrent with the President's August 9, 1991, Wetlands Protection Plan. In addition, the first two changes are being proposed in

accordance with the settlement agreement in North Carolina Wildlife Federation v. Tulloch.

**Timetable:**

Action	Date	FR Cite
NPRM	06/16/92	57 FR 26894
NPRM Comment Period End	08/17/92	57 FR 26894
Final Action	10/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-1782

**RIN:** 0710-AA35

## DEPARTMENT OF DEFENSE (DOD)

## Final Rule Stage

## Department of the Navy (NAVY)

**776. ADJUSTMENTS TO PRICES UNDER SHIPBUILDING CONTRACTS**

**Legal Authority:** 10 USC 2405

**CFR Citation:** 48 CFR 52

**Legal Deadline:** None

**Abstract:** The interim rule prescribes policies and procedures to restrict contract price adjustments under shipbuilding contracts, thus implementing by regulation the requirements of 10 USC 2405. The interim rule also defines the terminology of 10 USC 2405 and promulgates a solicitation provision and contract clause on price adjustments to shipbuilding contracts. This action is intended to clarify the meaning and ensure the consistent interpretation, implementation, and administration of the statute.

**Timetable:**

Action	Date	FR Cite
NPRM	11/16/89	54 FR 47689
NPRM Comment Period End	02/15/90	55 FR 3608
NPRM	06/29/90	55 FR 26708
NPRM Comment Period End	08/16/90	55 FR 33541

Action	Date	FR Cite
Public Hearing	10/26/90	55 FR 43150
Interim Final Rule	12/05/91	56 FR 63664
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Richard A. Moye, Senior Procurement Analyst, Department of Defense, Department of the Navy, Office of the Assistant Secretary of the Navy (Research, Development and Acquisition), Washington, DC 20350-1000, 703 602-2807

**RIN:** 0703-AA34

**777. ● RELEASE OF OFFICIAL INFORMATION FOR LITIGATION**

**Legal Authority:** 5 USC 301; 10 USC 113; 10 USC 5013; 31 USC 9701; 32 CFR 97

**CFR Citation:** 32 CFR 725

**Legal Deadline:** None

**Abstract:** This regulation assigns responsibilities to Department of the Navy (DON) personnel in responding to requests from members of the public for official DON information (testimonial, documentary, or otherwise in connection with litigation).

**Timetable:**

Action	Date	FR Cite
NPRM Comment Period End	01/22/92	57 FR 2462
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** LT Michael T. Palmer, Department of Defense, Department of the Navy, Office of the Judge Advocate General, General Litigation Division, 200 Stovall St., Alexandria, VA 22332-2400, 703 325-9870

**RIN:** 0703-AA39

## DEPARTMENT OF DEFENSE (DOD)

## Completed Actions

## Department of the Navy (NAVY)

**778. ● PAYMENTS OF AMOUNTS DUE MENTALLY INCOMPETENT MEMBERS OF THE NAVAL SERVICE**

**Legal Authority:** 5 USC 301; 10 USC 5031; 10 USC 5148; 37 USC 601 to 604; 37 USC 1001; 32 CFR 700.206; 32 CFR 700.1202

**CFR Citation:** 32 CFR 726

**Legal Deadline:** None

**Abstract:** This rule outlines procedures for convening competency boards and appointing trustees for members of the Naval Service who are incapable of handling their own finances.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	10/03/90	56 FR 55088
Final Action	10/24/91	56 FR 55088

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None



## DOD—NAVY

## Completed Actions

**Agency Contact:** Valeria Childress, Department of Defense, Department of the Navy, Office of the Judge Advocate General, Fiduciary Affairs Branch, 200 Stovall St., Alexandria, VA 22332-2400, 703 325-9752

**RIN:** 0703-AA36

### 779. ● CLAIMS FOR INJURIES TO PROPERTY UNDER ARTICLE 139 OF THE UNIFORM CODE OF MILITARY JUSTICE

**Legal Authority:** 5 USC 301; 10 USC 939; 10 USC 5013; 10 USC 5148; 32 CFR 700.206; 32 CFR 700.1202

**CFR Citation:** 32 CFR 755

**Legal Deadline:** None

**Abstract:** This rule outlines procedures for administrative settlement of claims when property is willfully damaged or wrongfully taken by members of the armed forces.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	10/03/90	
Final Action	08/27/91	56 FR 42232

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Patricia Leonard, Department of Defense, Department of the Navy, Office of the Judge Advocate General, Affirmative and Personnel Claims Branch, 200 Stovall St., Alexandria, VA 22332-2400, 703 325-9880

**RIN:** 0703-AA37

### 780. ● DELIVERY OF SERVICEMEMBERS, CIVILIANS, AND DEPENDENTS; SERVICE OF PROCESS AND SUBPOENAS

**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:** This rule sets forth amended guidelines and procedures for the delivery of personnel to civilian authorities, service of process, and subpoenas.

**Timetable:**

Action	Date	FR Cite
Final Action	02/13/92	57 FR 5228

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** LT Alicia Connolly, General Litigation Division, Department of Defense, Department of the Navy, Office of the Judge Advocate General, 200 Stovall St., Alexandria, VA 22332-2400, 703 325-9870

**RIN:** 0703-AA38

### 781. ● GENERAL CLAIMS PROVISIONS

**Legal Authority:** 5 USC 301; 10 USC 939; 10 USC 5013; 10 USC 5148; EO 11476; 3 CFR 132; 32 CFR 700.206; 32 CFR 700.1202

**CFR Citation:** 32 CFR 750

**Legal Deadline:** None

**Abstract:** This rule sets forth amended regulations pertaining to the Department of the Navy's claims program.

**Timetable:**

Action	Date	FR Cite
Final Action	02/07/92	57 FR 4721

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** CAPT Milton D. Finch, Deputy Assistant JAG, (Claims and Tort Litigation), Department of Defense, Department of the Navy, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, VA 22332-2400, 703 325-9880

**RIN:** 0703-AA40

### 782. ● PERSONNEL CLAIMS REGULATIONS

**Legal Authority:** 5 USC 301; 10 USC 939; 10 USC 5013; 10 USC 5148; EO 11476; 3 CFR 132; 32 CFR 700.206; 32 CFR 700.1201

**CFR Citation:** 32 CFR 751

**Legal Deadline:** None

**Abstract:** This rule sets forth amended regulations pertaining to the Department of the Navy's personnel claims program.

**Timetable:**

Action	Date	FR Cite
Final Action	02/12/92	57 FR 5055

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** CAPT Milton D. Finch, Deputy Assistant JAG, (Claims and Tort Litigation), Department of Defense, Department of the Navy, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, VA 22332-2400, 703 325-9880

**RIN:** 0703-AA41

### 783. ● NONAPPROPRIATED-FUND CLAIMS REGULATIONS

**Legal Authority:** 5 USC 301; 10 USC 939; 10 USC 5013; 10 USC 5148; EO 11476; 3 CFR 132; 32 CFR 700.206; 32 CFR 700.1202

**CFR Citation:** 32 CFR 756

**Legal Deadline:** None

**Abstract:** This rule sets forth amended regulations pertaining to the Department of the Navy's nonappropriated-fund claims programs.

**Timetable:**

Action	Date	FR Cite
Final Action	02/07/92	57 FR 4736

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** CAPT Milton D. Finch, Deputy Assistant JAG, (Claims and Tort Litigation), Department of Defense, Department of the Navy, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, VA 22332-2400, 703 325-9880

**RIN:** 0703-AA42

### 784. ● AFFIRMATIVE CLAIMS REGULATIONS

**Legal Authority:** 5 USC 301; 10 USC 939; 10 USC 5013; 10 USC 5148; EO 11476; 3 CFR 132; 32 CFR 700.206; 32 CFR 700.1202

**CFR Citation:** 32 CFR 757

**Legal Deadline:** None

**Abstract:** This rule sets forth amended regulations pertaining to the Department of the Navy's affirmative claims programs.



## DOD—NAVY

## Completed Actions

## Timetable:

Action	Date	FR Cite
Final Action	02/12/92	57 FR 5072

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: CAPT Milton D. Finch, Deputy Assistant JAG, (Claims and Tort Litigation), Department of

Defense, Department of the Navy, Office of the Judge Advocate General, 200 Stovall St., Alexandria, VA 22332-2400; 703 325-9880

RIN: 0703-AA43

## DEPARTMENT OF DEFENSE (DOD)

## Proposed Rule Stage

## Department of the Air Force (AF)

## 785. PUBLIC AFFAIRS POLICIES AND PROCEDURES (AFR 190-1)

Legal Authority: 10 USC 8013

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
NPRM	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Col. Dubiel, Department of Defense, Department of the Air Force, HQ USAF (SAF/PAV), Washington, DC 20330-1000, 703 697-2769

RIN: 0701-AA18

## 786. AIR FORCE PRIVACY ACT PROGRAM (AFR 12-35)

Legal Authority: 5 USC 552a

CFR Citation: 32 CFR 806b

Legal Deadline: None

Abstract: Establishes Air Force policies and procedures for implementing Privacy Act requirements for collecting, safeguarding, maintaining, using, accessing, amending, and disseminating personal information kept by the Department of the Air Force in Privacy Act systems of records.

## Timetable:

Action	Date	FR Cite
NPRM	12/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne W. Turner, Air Force Access Programs Manager, Department of Defense, Department of

the Air Force, SAF/AAIA, Washington, DC 20330-1000, 703 697-3491

RIN: 0701-AA30

## 787. AIR FORCE FREEDOM OF INFORMATION ACT PROGRAM (AFR 12-30)

Legal Authority: 5 USC 552

CFR Citation: 32 CFR 806

Legal Deadline: None

Abstract: Establishes Air Force policies and procedures for implementing the Freedom of Information Act (FOIA) and explains how the public may get copies of Air Force records under the FOIA.

## Timetable:

Action	Date	FR Cite
NPRM	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne W. Turner, Air Force Access Programs Manager, Department of Defense, Department of the Air Force, SAF/AAIA, Washington, DC 20330-1000, 703 697-3491

RIN: 0701-AA31

## 788. AIR FORCE MATERIEL COMMAND CONTRACTOR PERFORMANCE ASSESSMENT (AFMC 800-54)

Legal Authority: 10 USC 2305(a)(3)

CFR Citation: 32 CFR 838

Legal Deadline: None

Abstract: This rule will expand CPAR coverage to operation and maintenance contracts in AFMC. The CPAR system has been effective in improving the ability of AFMC source selection officials when making judgments concerning past performance of contractors on AFMC systems contracts. Performance on these contracts tends to be complex and is accomplished over several years. The CPAR system provides a consistent

structure for collecting performance assessments by program officials over the life of these contracts.

## Timetable:

Action	Date	FR Cite
NPRM	03/15/90	55 FR 9733
NPRM Comment	04/16/90	55 FR 9733
Period End		
Second NPRM	06/19/93	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: R. Summerour, Department of Defense, Department of the Air Force, SAF/AQCF, Pentagon, Washington, DC 20330-1000, 703 695-3859

RIN: 0701-AA33

## 789. AIR FORCE MATERIEL COMMAND FEDERAL ACQUISITION REGULATION SUPPLEMENT; SPECIAL CONTRACTING METHODS, VENDOR RATING SYSTEM

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 5317

Legal Deadline: None

Abstract: This rule will assist contracting personnel in determining which competitive offer represents the greatest value to the government. This will be done by providing a historical record of each contractor's performance on past AFMC contracts in terms of quality and timely delivery.

## Timetable:

Action	Date	FR Cite
NPRM	10/24/90	55 FR 42863
NPRM Comment	11/23/90	55 FR 42863
Period End		
Second NPRM	12/00/92	

Small Entities Affected: Businesses



DOD—AF

Proposed Rule Stage

**Government Levels Affected:** None  
**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** S. Wiginton, Department of Defense, Department of the Air Force, HQ AFMC/PKP, Wright Patterson AFB OH 45433-5001, 513 257-6048

**RIN:** 0701-AA34

### 790. ENVIRONMENTAL IMPACT ANALYSIS PROCESS (EIAP) (AFR 19-2)

**Significance:** Agency Priority

**Legal Authority:** PL 91-190

**CFR Citation:** 32 CFR 989

**Legal Deadline:** None

**Abstract:** Contains policies, responsibilities, and procedures for the Air Force EIAP in the United States and its territories and possessions.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Kenneth L. Reinertson, Department of Defense, Department of the Air Force, HQ

USAF/CEVP, Pentagon, Rm 5D381, Washington, DC 20330-5140, 703 697-1235

**RIN:** 0701-AA36

### 791. AIR FORCE FEDERAL ACQUISITION REGULATION SUPPLEMENT CLAUSE: CONTRACTOR TOXICOLOGICAL TESTING-AIRCRAFT ACCIDENTS

**Legal Authority:** 5 USC 301

**CFR Citation:** 48 CFR 5323

**Legal Deadline:** None

**Abstract:** This rule requires toxicological testing of any contractor employees after an accident on an Air Force aircraft.

**Timetable:**

Action	Date	FR Cite
NPRM	05/24/91	56 FR 23829
NPRM Comment	06/24/91	56 FR 23829
Period End		
Second NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** R. Summerour, Department of Defense, Department of the Air Force, SAF/AQCF, Pentagon,

Washington, DC 20330-1000, 703 695-3859

**RIN:** 0701-AA39

### 792. ACQUISITION OF INFORMATION CONCERNING UNITED STATES PERSONS AND ORGANIZATIONS NOT AFFILIATED WITH THE DEPARTMENT OF DEFENSE (AFR 124-13)

**Legal Authority:** 10 USC 8013

**CFR Citation:** 32 CFR 954

**Legal Deadline:** None

**Abstract:** This regulation establishes Air Force policy, limitations, procedures, and operational guidance on collecting, processing, storing, and distributing information concerning U.S. persons and organizations not affiliated with the Department of Defense.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Capt. Debra Donnahoo, Department of Defense, Department of the Air Force, SAF/IGV, Washington, DC 20330-1000, 703 697-5853

**RIN:** 0701-AA40

## DEPARTMENT OF DEFENSE (DOD)

Final Rule Stage

### Department of the Air Force (AF)

### 793. UTILIZATION OF EXCESS AND DISPOSAL OF SURPLUS REAL PROPERTY

**Significance:** Agency Priority

**Legal Authority:** PL 100-526, sec 204; PL 101-510, sec 2905

**CFR Citation:** 41 CFR 132-47

**Legal Deadline:** None

**Abstract:** Describes the procedure to be used by the Air Force to transfer excess real property between Federal agencies and to dispose of surplus real property.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/01/91	56 FR 13286
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Leonard C. Sandelli, Realty Specialist, Department of Defense, Department of the Air Force, AFBDA/BDR, Washington, DC 20330-5140, 703 614-9687

**RIN:** 0701-AA35



## DEPARTMENT OF DEFENSE (DOD)

Proposed Rule Stage

## Office of Assistant Secretary for Health Affairs (DODOASHA)

**794. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); BASIC PROGRAM (DOD 6010.8-R)****Legal Authority:** 10 USC 1079; 10 USC 1086; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This proposed rule removes the existing CHAMPUS benefit exclusion of certain diagnostic or treatment procedures which involve electronic transmission of data. The intention of this proposed amendment is to allow coverage, in addition to the current coverage of remote cardiac pacemaker monitoring, of otherwise allowable procedures when they employ electronic transfer of data to improve the quality and efficiency of the management of a clinical condition.

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/91	56 FR 48134
NPRM Comment	10/24/91	56 FR 48134
Period End		

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** J Baker, Department of Defense, Office of Assistant Secretary for Health Affairs, 303 361-4019**RIN:** 0720-AA06**795. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); FORMER SPOUSE/WIDOW(ER) AND FEDERAL CLAIMS COLLECTION ACT (DOD 6010.8-R)****Legal Authority:** 10 USC 1079; 10 USC 1086; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This proposed rule updates regulation changes to stipulate that annulled remarriages of former spouses or widows or widowers will be regarded as if the remarriage had never taken place and will reinstate their eligibility effective 12:01 a.m. of the day following the annulment; will clarify the effect of Medicare entitlement of former spouses; and will adopt the Federal Claims Collection Act and the Federal

Claims Collection Standards by reference.

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/91	56 FR 48135
NPRM Comment	10/24/91	56 FR 48135
Period End		

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** A Armijo, Department of Defense, Office of Assistant Secretary for Health Affairs, 303 362-3630**RIN:** 0720-AA07**796. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); MAMMOGRAPHY AND PAPANICOLAOU (PAP) TESTS (DOD 6010.8-R)****Legal Authority:** 10 USC 1079; 10 USC 1086; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This proposed rule revises the CHAMPUS regulation's exclusions and limitations pertaining to preventive care and unnecessary diagnostic tests not related to a specific illness, injury, or definitive set of symptoms. This amendment is being made to allow coverage for screening mammography and papanicolaou tests on either a preventative or diagnostic basis.

**Timetable:**

Action	Date	FR Cite
NPRM	08/21/91	56 FR 41496
NPRM Comment	09/20/91	56 FR 41496
Period End		

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** T Agee, Department of Defense, Office of Assistant Secretary for Health Affairs, 303 361-3586**RIN:** 0720-AA08**797. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); CERTIFIED MARRIAGE AND FAMILY THERAPISTS (DOD 6010.8-R)****Legal Authority:** 10 USC 1079; 10 USC 1086; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule proposes to amend the regulations to comply with section 702 of the National Defense Authorization Act for Fiscal Year 1991 which removed the requirement for physician supervision and referral for certified marriage and family therapists and requires all certified marriage and family therapists to accept CHAMPUS payment as payment in full. The intent of this amendment is to ensure that the relationship of certified marriage and family therapists is consistent with other mental health practitioners with comparable education and training while also protecting the CHAMPUS beneficiaries from incurring added out-of-pocket costs for care rendered that is not part of the current CHAMPUS mental health benefits package.

**Timetable:**

Action	Date	FR Cite
NPRM	11/12/91	56 FR 57498
NPRM Comment	12/12/91	56 FR 57498
Period End		

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** J Carroll, Department of Defense, Office of Assistant Secretary for Health Affairs, 303 361-3521**RIN:** 0720-AA10**798. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); REQUIREMENTS FOR COVERAGE AND REIMBURSEMENT OF SERVICES OF PHYSICIANS IN TEACHING SETTINGS (DOD 6010.8-R)****Legal Authority:** 10 USC 1079; 10 USC 1086; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This proposed amendment provides specific requirements for



**DOD—DODOASHA**

**Proposed Rule Stage**

coverage and reimbursement of services of teaching physicians and for physicians in training.

**Timetable:**

Action	Date	FR Cite
NPRM	12/10/91	56 FR 64488
NPRM Comment Period End	01/09/92	56 FR 64488

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** S Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs, 303 361-4005

**RIN:** 0720-AA13

**DEPARTMENT OF DEFENSE (DOD)**

**Final Rule Stage**

**Office of Assistant Secretary for Health Affairs (DODOASHA)**

**799. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); SUPPLEMENTAL INSURANCE PLANS (DOD 6010.8-R)**

**Legal Authority:** 10 USC 1079; 10 USC 1086; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This rule defines and limits the types of plans recognized as supplemental insurance coverage under CHAMPUS. The rule will also help provide guidance in identifying plans that would come under the CHAMPUS double coverage regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/91	56 FR 26946
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** S. Regensberg, Department of Defense, Office of Assistant Secretary for Health Affairs, Pentagon, Washington, DC 20301-1200, 303 361-3572

**RIN:** 0720-AA01

**800. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PROGRAM FOR THE HANDICAPPED (DOD 6010.8-R)**

**Significance:** Agency Priority

**Legal Authority:** 10 USC 1079; 10 USC 1086; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This rule simplifies access to, and administration of, the CHAMPUS Program for the Handicapped (PFTH). The PFTH benefit is limited to active duty Uniformed Service member dependents with moderate or severe mental retardation or a serious physical handicap. This proposal does not alter

the PFTH benefit or PFTH eligibility requirements, but simply rewrites the applicable provisions to remove redundant material, provide more concise definition of key terms, and establish greater flexibility in the administration of the Program.

**Timetable:**

Action	Date	FR Cite
NPRM	06/10/91	56 FR 26635
NPRM Comment Period End	06/25/91	56 FR 26635
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** Organizations

**Government Levels Affected:** Undetermined

**Agency Contact:** J. Baker, Department of Defense, Office of Assistant Secretary for Health Affairs, Pentagon, Washington, DC 20301-1200, 303 361-4019

**RIN:** 0720-AA04

**DEPARTMENT OF DEFENSE (DOD)**

**Completed Actions**

**Office of Assistant Secretary for Health Affairs (DODOASHA)**

**801. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); REIMBURSEMENT OF INDIVIDUAL HEALTH PROVIDERS (DOD 6020.8-R)**

**Legal Authority:** 10 USC 1079; 10 USC 1086; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This final rule implements the provisions of the Defense Appropriations Act for Fiscal Year 1991, Pub. L. 101-511, section 8012, which limits increases in maximum

allowable payments to physicians and other individual health care providers and authorizes reductions in such amounts for overpriced procedures.

**Timetable:**

Action	Date	FR Cite
Final Action	09/06/91	56 FR 44001

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** Section 199.14(g)(1)(v) is effective for services provided on or after October 7, 1991.

**Agency Contact:** S Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs, 703 695-3350

**RIN:** 0720-AA05

**802. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); REIMBURSEMENT OF INDIVIDUAL HEALTH PROVIDERS; AMENDMENT (DOD 6010.8-R)**

**Legal Authority:** 10 USC 1079; 10 USC 1086; 5 USC 301



## DOD—DODOASHA

## Completed Actions

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This rule is published to correct errors in the final rule on reimbursement of individual health providers contained in section 199.14(g). In addition to typographical and proofreading errors, the final rule failed to specify that changes to the 1991 payment levels apply to the lesser of prevailing charges or the fiscal year 1988 prevailing charge levels adjusted by the Medicare Economic Index.

**Timetable:**

Action	Date	FR Cite
Final Action	10/04/91	56 FR 50273

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** S Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs, 703 695-3350

**RIN:** 0720-AA09

**803. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); DRUG BENEFITS; APPROPRIATE LEVEL OF CARE PROVISIONS (DOD 6010.8-R)**

**Legal Authority:** 10 USC 1079; 10 USC 1086; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This rule establishes the absolute requirement for approval by the Food and Drug Administration (FDA) of all prescription drugs and medicines (drugs grandfathered by the Federal Food, Drug and Cosmetic Act of 1938 may be covered under CHAMPUS as if FDA approved); clarifies that medical care related to the use of Group C drugs (approved and distributed by the National Cancer Institute) and Treatment Investigational New Drugs (INDs) will not automatically be considered as experimental when the patient's medical condition warrants the use of these drugs; and reclarifies a CHAMPUS provision that allows benefits in an acute facility above the appropriate level of care. These changes are reasonable and necessary for effective and uniform administration of CHAMPUS.

**Timetable:**

Action	Date	FR Cite
Final Action	11/26/91	56 FR 59870
Final Action	11/26/91	56 FR 59870
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** M Maxey, Department of Defense, Office of Assistant Secretary for Health Affairs, 303 361-4337

**RIN:** 0720-AA11

**804. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); MEDICAL DOCUMENTATION (DOD 6010.8-R)**

**Legal Authority:** 10 USC 1079; 10 USC 1086; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This rule clarifies and strengthens medical documentation requirements under the CHAMPUS. This will assist in the maintenance of an adequate level of quality care and help ensure that payment is made only for services rendered.

**Timetable:**

Action	Date	FR Cite
Final Action	11/26/91	56 FR 59873
Final Action	12/26/91	56 FR 59873
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** D Bennett, Department of Defense, Office of Assistant Secretary for Health Affairs, 303 361-3537

**RIN:** 0720-AA12

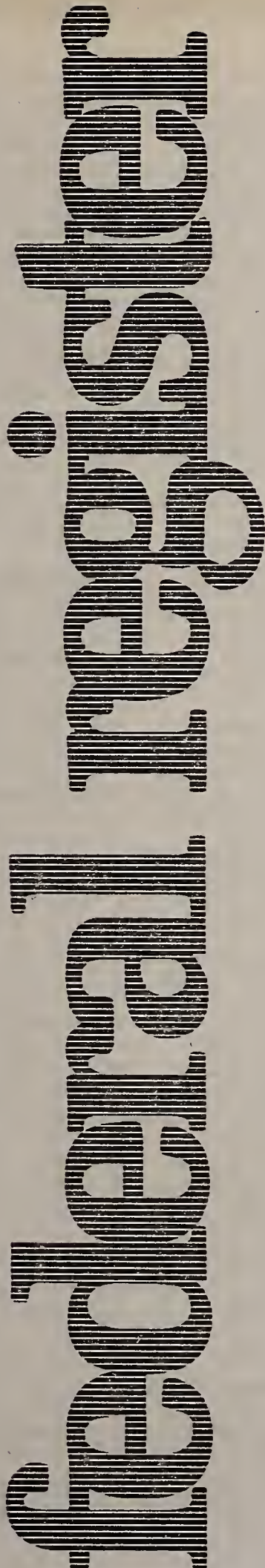
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**Tuesday  
November 3, 1992**



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**Part VI**

**Department of  
Education**

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**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:** Office of the Secretary, Education.

**ACTION:** Publication of the semiannual agenda of Federal regulations.

**SUMMARY:** The Secretary of Education publishes a semiannual agenda of Federal regulations issued under the authority of section 6(b) of Executive Order 12291 "Federal Regulation." The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with 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 Kenneth C. Depew, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 5125, FOB-6, 400 Maryland Avenue SW., Washington, DC 20202-2241; telephone: (202) 401-2884. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in Washington, DC, 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., eastern time.

**SUPPLEMENTARY INFORMATION:** Section 5 of Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, 5 U.S.C. 602(a), require the Department of Education to publish, in October and April of each year, (1) an agenda of proposed regulations that the Agency has issued or expects to issue and currently effective rules that are under Agency review and (2) a brief

description of the subject area of any rule that the Agency expects to propose or promulgate that is likely to have a significant impact on a substantial number of small entities. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

The Secretary expects that a number of regulatory documents will be necessary to implement the Higher Education Amendments of 1992, enacted on July 23, 1992. These regulatory actions will be included in the April edition of the Unified Agenda.

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 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.

The Department also will review all regulations that will be published to ensure that, where appropriate, those regulations support the National Education Goals. These goals call for:

- All children starting school ready to learn;
- Increasing the high school graduation rate to at least 90 percent;
- U.S. students demonstrating competency in challenging subject matter, including English, mathematics, science, history, and geography;
- U.S. students becoming first in the world in science and mathematics achievement;
- Adult Americans becoming literate and possessing the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship; and
- Freeing every school of drugs and violence so as to offer a disciplined environment conducive to learning.

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 actions are subject to revision in subsequent agendas.

Dated: August 19, 1992.  
**Jeffrey C. Martin,**  
*General Counsel.*

**Departmental Management—Proposed Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
805	Education Department General Administrative Regulations—Amendments III .....	1880-AA50
806	State-Administered Programs Under the Rehabilitation Act of 1973.....	1880-AA41
807	Uniform Administrative Requirements for Grants and Cooperative Agreements for State and Local Governments .....	1880-AA53
808	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) and Student Assistance General Provisions .....	1880-AA51
809	Department of Education Acquisition Regulation.....	1880-AA52



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## Departmental Management—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
810	Disposal and Utilization of Surplus Real Property for Educational Purposes .....	1880-AA42
811	Uniform Administrative Requirements for Grants and Cooperative Agreements .....	1880-AA34
812	Technical Amendments to Program Regulations .....	1880-AA33
813	General Education Provisions Act - Enforcement .....	1880-AA55
814	New Restrictions on Lobbying .....	1880-AA48
815	Family Educational Rights and Privacy .....	1880-AA54

## Departmental Management—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
816	Demands for Testimony or Documents in Legal Proceedings.....	1880-AA45
817	Education Department General Administrative Regulations—Amendments II .....	1880-AA24

## Office of Bilingual Education and Minority Languages Affairs—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
818	Evaluation Assistance Centers .....	1885-AA19

## Office for Civil Rights—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
819	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance.....	1870-AA06

## Office for Civil Rights—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
820	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

Se- quence Number	Title	Regulation Identifier Number
821	National Diffusion Network.....	1850-AA42



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## Office of Educational Research and Improvement—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
822	National Program for Math and Science Education; Fund for the Improvement and Reform of Schools and Teaching (FIRST): Schools and Teachers Program; FIRST: Family-School Partnership Program.....	1850-AA45
823	Library Literacy Program.....	1850-AA43
824	Library Services and Construction Act: State-Administered Program.....	1850-AA46

## Office of Educational Research and Improvement—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
825	Educational Partnerships Program.....	1850-AA40

## Office of Elementary and Secondary Education—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
826	Drug-Free Schools and Communities Program—Emergency Grants Program.....	1810-AA66
827	Drug Free Schools and Communities Program—Counselor Training Grants Program.....	1810-AA65

## Office of Elementary and Secondary Education—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
828	High School Equivalency Program and College Assistance Migrant Program.....	1810-AA68
829	Magnet Schools Assistance Program.....	1810-AA67
830	Territories and Freely Associated States Educational Grant Program.....	1810-AA62

## Office of Elementary and Secondary Education—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
831	Chapter 1 Program In Local Educational Agencies.....	1810-AA61
832	Chapter 1 Migrant Education Program.....	1810-AA63
833	Eisenhower Mathematics and Science Education—State Grant Program.....	1810-AA40
834	Even Start.....	1810-AA64

## Office of Postsecondary Education—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
835	Guaranteed Student Loan Programs—Standardized Lender Agreements and PLUS Loan Disbursements.....	1840-AB51
836	Drug Prevention Programs in Higher Education.....	1840-AB11
837	Student Assistance General Provisions—Subparts G and H.....	1840-AB47
838	Perkins Loan Program and Guaranteed Student Loan Program.....	1840-AB50



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## Office of Postsecondary Education—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
839	Student Assistance General Provisions—Emergency Action .....	1840-AB38
840	Institutional Eligibility—Additional Locations and Student Assistance General Provisions .....	1840-AB46
841	Student Assistance General Provisions—Subparts A, B, C, E, G, and Appendix D .....	1840-AB19
842	Student Right-to-Know and Campus Security Act.....	1840-AB44
843	Perkins Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs—Miscellaneous Changes.....	1840-AB22
844	Guaranteed Student Loan (GSL) Program, Including the Stafford Loan, PLUS, Supplemental Loans for Students and Consolidation Loan Programs .....	1840-AA96
845	Guaranteed Student Loan (GSL) Programs, Including the Stafford Loan, PLUS, Supplemental Loans for Students, and Consolidation Loan Programs—Default Reduction Initiative .....	1840-AB41

## Office of Postsecondary Education—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
846	Training Program for Special Programs Staff and Leadership Personnel; Talent Search; Educational Opportunity Centers; Upward Bound; Student Support Services Progs.; Student Asst. Gen. Prov .....	1840-AB53
847	Higher-Education Programs in Modern Foreign Language Training and Area Studies—Group Projects Abroad Program .....	1840-AB54
848	Student Assistance General Provisions—Immigration Status Confirmation.....	1840-AB30
849	Student Assistance General Provisions—Ability to Benefit.....	1840-AB45
850	Foreign Periodicals Program.....	1840-AA69
851	Perkins Loan, Income Contingent Loan, and Guaranteed Student Loan Programs .....	1840-AB52
852	Perkins Loan, College Work-Study and Supplemental Educational Opportunity Grant Programs—Amendments .....	1840-AB31
853	Pell Grant Program.....	1840-AB56

## Office of Special Education and Rehabilitative Services—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
854	Regional Resource and Federal Centers .....	1820-AB00
855	Disability and Rehabilitation Research; General Provisions.....	1820-AB01
856	Rehabilitation Services Administration General Deregulation.....	1820-AA45
857	The State Independent Living Rehabilitation Services Program - Deregulation.....	1820-AA37
858	Centers for Independent Living—Standards and Evaluation Indicators .....	1820-AA81

## Office of Special Education and Rehabilitative Services—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
859	Early Intervention Program for Infants and Toddlers With Disabilities.....	1820-AA97
860	Training Personnel for the Education of Individuals with Disabilities—Grants for Parent Training and Information Centers; State Educational Agencies and Institutes of Higher Education.....	1820-AA99
861	The State Vocational Rehabilitation Services Program - Deregulation.....	1820-AA47



ED

Office of Special Education and Rehabilitative Services—Completed Actions

Se-quence Number	Title	Regulation Identifier Number
862	Assistance to States for Education of Children with Disabilities and Early Intervention Program for Infants and Toddlers with Disabilities .....	1820-AA71
863	Assistance to States for Education of Children With Disabilities and Preschool Grants for Children With Disabilities....	1820-AA89
864	Technical Amendments for the Office of Special Education Programs.....	1820-AA98
865	The State Supported Employment Services Program .....	1820-AA86

Office of Vocational and Adult Education—Completed Actions

Se-quence Number	Title	Regulation Identifier Number
866	Carl D. Perkins Vocational and Applied Technology Education Act .....	1830-AA08
867	Adult Education and Literacy Programs .....	1830-AA10

Office of the General Counsel—Proposed Rule Stage

Se-quence Number	Title	Regulation Identifier Number
868	Equal Access to Justice .....	1801-AA01
869	U.S. Exchange Visitor Program—Request for Waiver of the Two-Year Foreign Residence Requirement .....	1801-AA07
870	Privacy Act Regulations.....	1801-AA06

DEPARTMENT OF EDUCATION (ED)  
Departmental Management (EDMAN)

Proposed Rule Stage

**805. EDUCATION DEPARTMENT  
GENERAL ADMINISTRATIVE  
REGULATIONS—AMENDMENTS III**

**Legal Authority:** 20 USC 1221e-3(a)(1)

**CFR Citation:** 34 CFR 075

**Legal Deadline:** None

**Abstract:** These proposed regulations would revise part 75 to clarify various issues related to indirect cost rates, including the appropriate application of restricted indirect cost rates. These regulations would also affect Part 76 because that part incorporates the Part 75 restricted indirect cost rate rules.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
Final Action	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sherlyn Taylor, Grants and Contracts Service, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

**RIN:** 1880-AA50

**806. STATE-ADMINISTERED  
PROGRAMS UNDER THE  
REHABILITATION ACT OF 1973**

**Legal Authority:** 20 USC 1221e-3(a)(1); 20 USC 3474

**CFR Citation:** 34 CFR 076; 34 CFR 080

**Legal Deadline:** None

**Abstract:** These proposed regulations would provide flexibility to States in administering Federal grants by extending the time period for liquidation of certain kinds of

obligations under State-administered programs of the Department's Rehabilitation Act of 1973.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/92	57 FR 38740
NPRM Comment	10/13/92	
Period End		
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sherlyn Taylor, Grants and Contracts Service, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

**RIN:** 1880-AA41



ED—EDMAN

Proposed Rule Stage

**807. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS FOR STATE AND LOCAL GOVERNMENTS****Legal Authority:** 20 USC 1221e-3(a)(1)**CFR Citation:** 34 CFR 080**Legal Deadline:** None**Abstract:** These regulations propose to revise part 80 to establish certain governmentwide administrative requirements for grants and cooperative agreements to State and local governments.**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Local, State**Agency Contact:** Gregory Vick, Grants and Contracts Services, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580**RIN:** 1880-AA53**808. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS) AND STUDENT ASSISTANCE GENERAL PROVISIONS****Legal Authority:** 20 USC 1082(a)(1) to 1082 (h)(1); 20 USC 1094(c)(1)(D); 20 USC 1221e-3(a)(1); 20 USC 3474; EO 12689**CFR Citation:** 34 CFR 085; 34 CFR 668**Legal Deadline:** None**Abstract:** These proposed regulations would implement Executive Order 12689, which requires agency debarment and suspension actions under procurement or nonprocurement activities to have reciprocal governmentwide effect. The regulations would also clarify the policy and procedures that affect both governmentwide debarment and suspension and termination of participation of institutions of higher education in student financial assistance programs under Title IV of the Higher Education Act of 1965, as amended.**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Mary Jane Kane, Grants and Contracts Service, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580**RIN:** 1880-AA51**809. ● DEPARTMENT OF EDUCATION ACQUISITION REGULATION****Legal Authority:** 15 USC 205b**CFR Citation:** 48 CFR 3410**Legal Deadline:** None**Abstract:** These regulations would implement requirements of Public Law 100-418, which designates the metric system as the preferred system of weights and measures.**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Verbena R. Crowley, Grants and Contracts Service, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4702, 202 708-8528**RIN:** 1880-AA52**DEPARTMENT OF EDUCATION (ED)  
Departmental Management (EDMAN)**

Final Rule Stage

**810. DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES****Legal Authority:** 40 USC 484**CFR Citation:** 34 CFR 012**Legal Deadline:** None**Abstract:** See Preamble**Timetable:**

Action	Date	FR Cite
NPRM	10/31/90	55 FR 45972
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal**Agency Contact:** David B. Hakola, Office of the Administrator for Management Services, Department of Education, 400 Maryland Avenue SW., Room 3005, FOB-6, Washington, DC 20202-4532, 202 401-0500**RIN:** 1880-AA42**811. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS****Legal Authority:** 20 USC 1221e-3(a)(1)**CFR Citation:** 34 CFR 074; 34 CFR 080**Legal Deadline:** None**Abstract:** These regulations remove Part 80 and revise Part 74 to establish certain governmentwide administrative

requirements for grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and nonprofit and commercial organizations. These regulations were based on an OMB proposal to combine OMB Circulars A-102 (Grants and Cooperative Agreements with State and Local Governments) and A-110 (Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations) into a single, unified grants management circular. On October 29, 1990, the Office of Management and Budget (OMB) published a notice in the Federal Register (55 FR 45289) that cancelled



## ED—EDMAN

## Final Rule Stage

plans to merge OMB Circulars A-102 and A-110. Therefore, the Department does not intend to combine administrative requirements for grants and cooperative agreements for all types of recipients into 34 CFR part 74. The Department is currently participating in a governmentwide work group that will decide, at a later date, what revisions, if any, are needed to OMB circular A-110.

**Timetable:**

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sherlyn Taylor, Grants and Contracts Service, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

**RIN:** 1880-AA34

**812. TECHNICAL AMENDMENTS TO PROGRAM REGULATIONS**

**Legal Authority:** 20 USC 1221e-3(a)(1)

**CFR Citation:** 34 CFR 074; 34 CFR 080

**Legal Deadline:** None

**Abstract:** On November 4, 1988, the Department published an NPRM proposing to establish certain governmentwide administrative requirements for grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and nonprofit and commercial organizations. The regulations would appear in a revised 34 CFR part 74. On October 29, 1990, the Office of Management and Budget (OMB) published a notice in the Federal Register (55 FR 45289) that cancelled plans to merge OMB Circulars A-102 and A-110. Therefore, the Department does not intend to combine administrative requirements for grants and cooperative agreements for all types of recipients into 34 CFR part 74. However, the Department intends to revise program regulations to cite the applicable administrative requirements found in either 34 CFR part 74 or 34 CFR part 80. A notice amending certain program regulations will be published in the Federal Register after final action is taken in the current efforts to amend

the common regulations codified by the Department in 34 CFR part 80.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Sherlyn Taylor, Grants and Contracts Service, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

**RIN:** 1880-AA33

**813. ● GENERAL EDUCATION PROVISIONS ACT - ENFORCEMENT**

**Legal Authority:** 20 USC 1221e-3(a)(1)

**CFR Citation:** 34 CFR 081

**Legal Deadline:** None

**Abstract:** These regulations implement technical changes and clarify Part 80 of the Education Department General Administrative Regulations on proceedings before the Office of Administrative Law Judges.

**Timetable:**

Action	Date	FR Cite
NPRM	01/06/92	57 FR 506
Final Action	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Frank Furey, Office of Hearings and Appeals, Department of Education, 400 Maryland Avenue SW., Room 2100, L'Enfant Plaza, Washington, DC 20202-4533, 202 732-1828

**RIN:** 1880-AA55

**814. NEW RESTRICTIONS ON LOBBYING**

**Significance:** Regulatory Program

**Legal Authority:** 31 USC 1352; 20 USC 347-4

**CFR Citation:** 34 CFR 082

**Legal Deadline:** None

**Abstract:** These regulations implement provisions to prohibit recipients of Federal grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the

Federal Government in connection with a specific grant or loan, and imposes certain certification and disclosure requirements.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

**Next Action:** Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Sherlyn Taylor, Grants and Contracts Service, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

**RIN:** 1880-AA48

**815. ● FAMILY EDUCATIONAL RIGHTS AND PRIVACY**

**Legal Authority:** 20 USC 1232g; 20 USC 1234

**CFR Citation:** 34 CFR 099

**Legal Deadline:** None

**Abstract:** The regulations are needed to implement section 203 of the Crime Awareness and Campus Security Act of 1990. The provision amends the Family Educational Rights and Privacy Act (FERPA) to allow institutions of postsecondary education to disclose to an alleged victim of a crime of violence, without prior written consent, the results of a disciplinary proceeding conducted by the institution against an alleged perpetrator of a crime of violence. Since the current regulations do not permit such a disclosure, the regulations must be amended to conform to section 203 of P.L. 101-542. Several additional technical amendments are made: 1) to reflect a change in the enforcement provisions; 2) to clarify a portion of the consent provisions; and 3) to define a "timely complaint".

**Timetable:**

Action	Date	FR Cite
NPRM	08/11/92	57 FR 35964
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State



## ED—EDMAN

Final Rule Stage

**Agency Contact:** LeRoy Rooker,  
Director, Family Policy Compliance  
Office, Human Resources and

Administration, Department of  
Education, 400 Maryland Avenue SW.,  
Room 2100 Corridor, L'Enfant Plaza,

Washington, DC 20202-4605, 202 732-  
1807

**RIN:** 1880-AA54

## DEPARTMENT OF EDUCATION (ED)

Completed Actions

## Departmental Management (EDMAN)

## 816. DEMANDS FOR TESTIMONY OR DOCUMENTS IN LEGAL PROCEEDINGS

**CFR Citation:** 34 CFR 008

**Completed:**

Reason	Date	FR Cite
Final Action	08/05/92	57 FR 34646

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert Wexler, 202  
401-3690

**RIN:** 1880-AA45

## 817. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS—AMENDMENTS II

**CFR Citation:** 34 CFR 74; 34 CFR 75; 34  
CFR 76; 34 CFR 77; 34 CFR 237; 34 CFR  
263; 34 CFR 300; 34 CFR 356; 34 CFR  
562; 34 CFR 630; 34 CFR 653; 34 CFR  
654; 34 CFR 762

**Completed:**

Reason	Date	FR Cite
Final Action	07/08/92	57 FR 30328
Final Action Effective	09/18/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sherlyn Taylor, 202  
708-5580

**RIN:** 1880-AA24

## DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

## Office of Bilingual Education and Minority Languages Affairs (OBEMLA)

## 818. ● EVALUATION ASSISTANCE CENTERS

**Legal Authority:** 20 USC 3304

**CFR Citation:** 34 CFR 555

**Legal Deadline:** None

**Abstract:** These regulations would  
implement section 7034 of the Bilingual

Education Act—the Evaluation  
Assistance Centers program.

**Timetable:**

Action	Date	FR Cite
NPRM	08/04/92	57 FR 34488
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James H. Lockhart,  
Program Specialist, State and Local  
Programs, Department of Education,  
Office of Bilingual Education and  
Minority Languages Affairs, 400  
Maryland Avenue SW., Room 5086,  
Switzer Building, Washington, DC  
20202-6641, 202 205-5426

**RIN:** 1885-AA19

## DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

## Office for Civil Rights (OCR)

## 819. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

**Legal Authority:** 20 USC 1681

**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 Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Michael L. Williams,  
Assistant Secretary for Civil Rights,  
Department of Education, Office for  
Civil Rights, 400 Maryland Ave. SW.,  
Rm 5000, Switzer Bldg., Washington, DC  
20202-1100, 202 205-5413

**RIN:** 1870-AA06



## DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

## Office for Civil Rights (OCR)

**820. 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 provide appropriate investigative, conciliation, and enforcement procedures consistent with

the general Age Discrimination Act regulations issued by the Department of Health and Human Services.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Undetermined**Agency Contact:** Michael L. Williams, Assistant Secretary for Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave SW., Room 5000, Switzer Bldg., Washington, DC 20202-1100, 202 205-5413**RIN:** 1870-AA05

## DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

## Office of Educational Research and Improvement (OERI)

**821. NATIONAL DIFFUSION NETWORK****Legal Authority:** 20 USC 2962**CFR Citation:** 34 CFR 785 to 787**Legal Deadline:** None**Abstract:** These proposed regulations would establish separate criteria for reapproval of exemplary programs, products, practices, and dissemination processes that have been previously

approved by either the Joint Dissemination Review Panel or the Program Effectiveness Panel.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/92	57 FR 44408
NPRM Comment Period End	10/26/92	
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Helen O'Leary, Recognition Division, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Avenue NW., Room 510, Washington, DC 20208-5645, 202 219-2134**RIN:** 1850-AA42

## DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

## Office of Educational Research and Improvement (OERI)

**822. NATIONAL PROGRAM FOR MATH AND SCIENCE EDUCATION; FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING (FIRST); SCHOOLS AND TEACHERS PROGRAM; FIRST: FAMILY-SCHOOL PARTNERSHIP PROGRAM****Legal Authority:** 20 USC 1221e-3; 20 USC 1812; 20 USC 2992; 20 USC 4811; 20 USC 4821; 20 USC 4823**CFR Citation:** 34 CFR 755; 34 CFR 757; 34 CFR 758**Legal Deadline:** None**Abstract:** These regulations amend the current regulations to add a provision for preapplication review.**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Margo Anderson, Associate Director for Policy and Planning, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Avenue NW., Room 522, Washington, DC 20208-5524, 202 219-1496**RIN:** 1850-AA45**Agency Contact:** Carol Cameron Lyons, Library Programs, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Avenue NW., Room 404, Washington, DC 20208-5571, 202 219-1321**RIN:** 1850-AA43**823. LIBRARY LITERACY PROGRAM****Legal Authority:** 20 USC 375**CFR Citation:** 34 CFR 769**Legal Deadline:** None**Abstract:** These regulations implement provisions of the National Literacy Act of 1991.**Timetable:**

Action	Date	FR Cite
NPRM	06/15/92	57 FR 26750
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**824. LIBRARY SERVICES AND CONSTRUCTION ACT: STATE-ADMINISTERED PROGRAM****Legal Authority:** 20 USC 351 et seq**CFR Citation:** 34 CFR 770**Legal Deadline:** None**Abstract:** These regulations amend the current regulations to add a definition of the term "State aid."**Timetable:**

Action	Date	FR Cite
NPRM	03/17/92	57 FR 9374
Final Action	10/00/92	

**Small Entities Affected:** Undetermined



ED—OERI

Final Rule Stage

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Robert Klassen,  
Director, Public Library Support Staff,  
Department of Education, Office of  
Educational Research and

Improvement, 555 New Jersey Avenue  
NW., Room 402L, Washington, DC  
20202-0571, 202 219-1303  
**RIN:** 1850-AA46

**DEPARTMENT OF EDUCATION (ED)**

Completed Actions

**Office of Educational Research and Improvement (OERI)****825. EDUCATIONAL PARTNERSHIPS PROGRAM**

**CFR Citation:** 34 CFR 722

**Completed:**

Reason	Date	FR Cite
Final Action	04/23/92	57 FR 14960
Final Action Effective	06/10/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Susan Gruskin, 202 219-2116

**RIN:** 1850-AA40

**DEPARTMENT OF EDUCATION (ED)**

Proposed Rule Stage

**Office of Elementary and Secondary Education (OESE)****826. ● DRUG-FREE SCHOOLS AND COMMUNITIES PROGRAM—EMERGENCY GRANTS PROGRAM**

**Legal Authority:** 20 USC 3216

**CFR Citation:** 34 CFR 232

**Legal Deadline:** None

**Abstract:** These regulations would revise the Emergency Grants Programs: (1) to allow applicants to design programs to combat drug and alcohol abuse by students in the most troubled areas of a local educational agency, (2) to clarify eligibility requirements, and (3) to ensure that applicants are able to demonstrate their eligibility to receive an emergency grant.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Madeline Bosma,  
Department of Education, Office of  
Elementary and Secondary Education,  
400 Maryland Avenue SW., Room 2123,  
FOB-6, Washington, DC 20202-6439, 202  
401-1258

**RIN:** 1810-AA66

**827. ● DRUG FREE SCHOOLS AND COMMUNITIES PROGRAM—COUNSELOR TRAINING GRANTS PROGRAM**

**Legal Authority:** 20 USC 3202; 20 USC 3203

**CFR Citation:** 34 CFR 238

**Legal Deadline:** None

**Abstract:** These proposed regulations would implement the Counselor Training Grants Program which is

authorized by the Drug-Free Schools and Communities Act of 1986 (Act) as amended by the Crime Control Act of 1990 (Pub. L. 101-647).

**Timetable:**

Action	Date	FR Cite
NPRM	09/23/92	57 FR 44046
NPRM Comment Period End	11/23/92	
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Bill Mattocks,  
Department of Education, Office of  
Elementary and Secondary Education,  
400 Maryland Avenue SW., Room 2132,  
FOB-6, Washington, DC 20202, 202 401-  
1258

**RIN:** 1810-AA65

**DEPARTMENT OF EDUCATION (ED)**

Final Rule Stage

**Office of Elementary and Secondary Education (OESE)****828. ● HIGH SCHOOL EQUIVALENCY PROGRAM AND COLLEGE ASSISTANCE MIGRANT PROGRAM**

**Legal Authority:** 20 USC 1070d-2

**CFR Citation:** 34 CFR 206

**Legal Deadline:** None

**Abstract:** These regulations would implement certain amendments to the Higher Education Act that were established upon enactment of the Higher Education Amendments of 1992

(S. 1150). These amendments would revise program eligibility and implementation requirements.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Frank V. Corrigan,  
Director, Department of Education,  
Office of Elementary and Secondary  
Education, 400 Maryland Avenue SW.,  
Washington, DC 20202, 202 401-0744

**RIN:** 1810-AA68

**829. ● MAGNET SCHOOLS ASSISTANCE PROGRAM**

**Legal Authority:** 20 USC 3021 to 3032

**CFR Citation:** 34 CFR 280



## ED—OESE

## Final Rule Stage

**Legal Deadline:** None

**Abstract:** These regulations are needed to improve the administration of the program and to enable the Secretary to select applications for funding that best demonstrate promise of achieving the purposes of the program.

**Timetable:**

Action	Date	FR Cite
NPRM	08/12/92	57 FR 36324
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** Sylvia Wright, Department of Education, Office of Elementary and Secondary Education,

400 Maryland Avenue SW., Rm. 2059, FOB-6, Washington, DC 20202, 202 401-0360

**RIN:** 1810-AA67

**830. TERRITORIES AND FREELY ASSOCIATED STATES EDUCATIONAL GRANT PROGRAM**

**Legal Authority:** PL 102-73

**CFR Citation:** 34 CFR 282

**Legal Deadline:** None

**Abstract:** These regulations implement certain amendments to Chapter 1 of Title I of the Elementary and Secondary Education Act of 1985 that were established upon enactment of the National Literacy Act of 1991. The amendments created a new competitive

grant program for the Pacific Territories and Freely Associated States.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/92	57 FR 28452
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Zulla Toney, School Effectiveness Division, School Improvement Programs, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue SW., Room 2040, FOB-6, Washington, DC, 20202-6245, 202 401-1154

**RIN:** 1810-AA62

## DEPARTMENT OF EDUCATION (ED)

## Completed Actions

## Office of Elementary and Secondary Education (OESE)

**831. CHAPTER 1 PROGRAM IN LOCAL EDUCATIONAL AGENCIES**

**CFR Citation:** 34 CFR 200

**Completed:**

Reason	Date	FR Cite
Final Action	08/27/92	57 FR 39066

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Wendy Jo New, 202 401-0701

**RIN:** 1810-AA61

**832. CHAPTER 1 MIGRANT EDUCATION PROGRAM**

**CFR Citation:** 34 CFR 201

**Completed:**

Reason	Date	FR Cite
Final Action	06/11/92	57 FR 24751
Final Action	07/29/92	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James English, 202 401-0744

**RIN:** 1810-AA63

**833. EISENHOWER MATHEMATICS AND SCIENCE EDUCATION—STATE GRANT PROGRAM**

**CFR Citation:** 34 CFR 208

**Completed:**

Reason	Date	FR Cite
Final Action	05/21/92	57 FR 21708
Final Action	07/29/92	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lee Wickline, 202 401-1062

**RIN:** 1810-AA40

**834. EVEN START**

**CFR Citation:** 34 CFR 212

**Completed:**

Reason	Date	FR Cite
Final Action	06/19/92	57 FR 27556
Final Action	08/03/92	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mary Jean LeTendre, 202 401-1692

**RIN:** 1810-AA64

## DEPARTMENT OF EDUCATION (ED)

## Proposed Rule Stage

## Office of Postsecondary Education (OPE)

**835. ● GUARANTEED STUDENT LOAN PROGRAMS—STANDARDIZED LENDER AGREEMENTS AND PLUS LOAN DISBURSEMENTS**

**Legal Authority:** 20 USC 1071 to 1087-2

**CFR Citation:** 34 CFR 882

**Legal Deadline:** None

**Abstract:** These regulations would propose that guarantee agencies require their lenders to sign standardized lender agreements approved by the Secretary. The regulations would also propose that disbursement under the PLUS program be sent directly to the educational institution that the student

is attending, rather than to the parent borrowers.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
Final Action	03/00/93	



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Proposed Rule Stage

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4310, ROB-3, Washington, DC 20202, 202 708-8242

RIN: 1840-AB51

**836. DRUG PREVENTION PROGRAMS IN HIGHER EDUCATION****Legal Authority:** 20 USC 3211**CFR Citation:** 34 CFR 612**Legal Deadline:** None

**Abstract:** These regulations would implement various policy changes through amendments to current regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Donald Fischer, Program Analyst, Fund for the Improvement of Postsecondary Education, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 3000,

ROB-3, Washington, DC 20202-5171, 202 708-5771

RIN: 1840-AB11

**837. STUDENT ASSISTANCE GENERAL PROVISIONS—SUBPARTS G AND H****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 proposed regulations would amend subparts G and H of the Student Assistance General Provisions regulations to clarify the procedures to be followed in administrative hearings regarding fines, and limitation, suspension, or termination of institutional participation in the Student Financial Assistance Programs under the Higher Education Act, and appeals by institutions of audit and program review determinations under these programs.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Fred J. Marinucci, Department of Education, Office of the

General Counsel, 400 Maryland Avenue SW., Room, 4083, FOB-6, Washington, DC 20202-2244, 202 401-2732

RIN: 1840-AB47

**838. PERKINS LOAN PROGRAM AND GUARANTEED STUDENT LOAN PROGRAM****Legal Authority:** 20 USC 1087aa to 1087hh; 20 USC 421 to 429; 20 USC 1071 to 1087-2**CFR Citation:** 34 CFR 674; 34 CFR 682**Legal Deadline:** None

**Abstract:** These proposed regulations would establish procedures for managing the two programs and set standards for extending credit in accordance with OMB circular A-129.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Harold McCullough, Chief, Policy Section, Campus Based Programs Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4018, ROB-3, Washington, DC 20202, 202 708-4690

RIN: 1840-AB50

**DEPARTMENT OF EDUCATION (ED)**

Final Rule Stage

**Office of Postsecondary Education (OPE)****839. STUDENT ASSISTANCE GENERAL PROVISIONS—EMERGENCY ACTION****Legal Authority:** 20 USC 1141; 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094**CFR Citation:** 34 CFR 600; 34 CFR 668**Legal Deadline:** None

**Abstract:** These regulations govern emergency actions against educational institutions and provide for hearings before institutions' definitional eligibility is removed.

**Timetable:**

Action	Date	FR Cite
NPRM	08/07/90	55 FR 32186
NPRM; Cross Reference	08/07/90	55 FR 32186
Final Action	08/07/90	55 FR 32180
Final Action	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Carol F. Sperry, Director, Division of Eligibility and Certification, Department of Education, Office of Postsecondary Education, Room 3030, ROB-3, 400 Maryland

Avenue SW., Washington, DC 20202-5242, 202 708-4908

RIN: 1840-AB38

**840. INSTITUTIONAL ELIGIBILITY—ADDITIONAL LOCATIONS AND STUDENT ASSISTANCE GENERAL PROVISIONS****Legal Authority:** 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141**CFR Citation:** 34 CFR 600; 34 CFR 668**Legal Deadline:** None

**Abstract:** These regulations implement statutory requirements that postsecondary educational institutions must meet in order to be eligible to



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apply for participation in Higher Education Act Programs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/04/91	56 FR 63574
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Carol F. Sperry, Director, Division of Eligibility and Certification, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 3030, ROB-3, Washington, DC 20202-5242, 202 708-4906

**RIN:** 1840-AB46

#### 841. STUDENT ASSISTANCE GENERAL PROVISIONS—SUBPARTS A, B, C, E, G, AND APPENDIX D

**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 amend the provisions related to Selective Service requirements, implement a provision of the Omnibus Budget Reconciliation Act of 1989, Pub. L. 101-239, and make other miscellaneous changes in the student assistance general provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/91	56 FR 66496
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This document includes 1840-AB36.

**Agency Contact:** Carney M. McCullough, Chief, Policy Section, Pell Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

**RIN:** 1840-AB19

#### 842. STUDENT RIGHT-TO-KNOW AND CAMPUS SECURITY ACT

**Legal Authority:** PL 101-542

**CFR Citation:** 34 CFR 668

**Legal Deadline:** None

**Abstract:** These regulations implement certain provisions of the Student Right-to-Know and Campus Security Act.

**Timetable:**

Action	Date	FR Cite
NPRM	07/10/92	57 FR 30826
NPRM Comment	08/24/92	
Period End		
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Paula Husselmann, Pell Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

**RIN:** 1840-AB44

#### 843. PERKINS LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS— MISCELLANEOUS CHANGES

**Legal Authority:** 20 USC 1070b to 1070b-3; 20 USC 1087aa to 1087hh; 42 USC 2751 to 2756a

**CFR Citation:** 34 CFR 674; 34 CFR 675; 34 CFR 676

**Legal Deadline:** None

**Abstract:** These regulations implement certain provisions of the Higher Education Amendments of 1986. The regulations also establish procedures to make the Supplemental Educational Opportunity Grant Program consistent with the Pell Grant Program with respect to collection of outstanding overpayments.

**Timetable:**

Action	Date	FR Cite
NPRM	11/13/90	55 FR 47438
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harold F. McCullough, Chief, Policy Section, Campus Based Programs Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4018, ROB-3, Washington, DC 20202, 202 708-4690

**RIN:** 1840-AB22

#### 844. GUARANTEED STUDENT LOAN (GSL) PROGRAM, INCLUDING THE STAFFORD LOAN, PLUS, SUPPLEMENTAL LOANS FOR STUDENTS AND CONSOLIDATION LOAN PROGRAMS

**Significance:** Regulatory Program

**Legal Authority:** 20 USC 1071 et seq

**CFR Citation:** 34 CFR 682

**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), subsequent statutory amendments, and policy changes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/90	55 FR 48324
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW., Room 4310, ROB-3, Washington, DC 20202, 202 708-8242

**RIN:** 1840-AA96

#### 845. GUARANTEED STUDENT LOAN (GSL) PROGRAMS, INCLUDING THE STAFFORD LOAN, PLUS, SUPPLEMENTAL LOANS FOR STUDENTS, AND CONSOLIDATION LOAN PROGRAMS—DEFAULT REDUCTION INITIATIVE

**Significance:** Regulatory Program

**Legal Authority:** 20 USC 1071 to 1087-2

**CFR Citation:** 34 CFR 682

**Legal Deadline:** None

**Abstract:** These regulations establish alternative procedures for protecting borrowers in the event of a school closure.

**Timetable:**

Action	Date	FR Cite
NPRM	09/05/91	56 FR 43978
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education,



ED—OPE

Final Rule Stage

Office of Postsecondary Education, 400  
Maryland Avenue SW., Room 4310,ROB-3, Washington, DC 20202, 202 708-  
8242

RIN: 1840-AB41

**DEPARTMENT OF EDUCATION (ED)**  
**Office of Postsecondary Education (OPE)****Completed Actions****846. ● TRAINING PROGRAM FOR  
SPECIAL PROGRAMS STAFF AND  
LEADERSHIP PERSONNEL; TALENT  
SEARCH; EDUCATIONAL  
OPPORTUNITY CENTERS; UPWARD  
BOUND; STUDENT SUPPORT  
SERVICES PROGS.; STUDENT ASST.  
GEN. PROV**Legal Authority: 20 USC 1070d to  
1071dCFR Citation: 34 CFR 642; 34 CFR 643;  
34 CFR 644; 34 CFR 645; 34 CFR 646; 34  
CFR 668

Legal Deadline: None

Abstract: These regulations implement  
changes made by Public Law 100-369  
and the National Literacy Act, Pub. L.  
102-73, enacted July 25, 1991.**Timetable:**

Action	Date	FR Cite
Final Action	03/13/92	57 FR 9004
Final Action Effective	05/06/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerry M. Whitlock,  
Senior Policy Analyst, Policy  
Development, Department of Education,  
Office of Postsecondary Education, 400  
Maryland Avenue SW., Room 4080,  
ROB-3, Washington, DC 20202-5444, 202  
708-9069

RIN: 1840-AB53

**847. HIGHER-EDUCATION PROGRAMS  
IN MODERN FOREIGN LANGUAGE  
TRAINING AND AREA STUDIES—  
GROUP PROJECTS ABROAD  
PROGRAM**

CFR Citation: 34 CFR 664

**Completed:**

Reason	Date	FR Cite
Final Action	06/29/92	57 FR 28976
Final Action Effective	09/18/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph Belmonte, 202  
703-7283

RIN: 1840-AB54

**848. STUDENT ASSISTANCE  
GENERAL PROVISIONS—  
IMMIGRATION STATUS  
CONFIRMATION**

CFR Citation: 34 CFR 668

**Completed:**

Reason	Date	FR Cite
Withdrawn Regulations will be completed under the HEA Reauthorization	08/10/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Claude E. Denton, 202  
708-4601

RIN: 1840-AB30

**849. STUDENT ASSISTANCE  
GENERAL PROVISIONS—ABILITY TO  
BENEFIT**

CFR Citation: 34 CFR 668

**Completed:**

Reason	Date	FR Cite
Withdrawn Regs will be completed under the HEA Reauthorization Act.	08/10/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cheryl Leibovitz, 202  
708-7888

RIN: 1840-AB45

**850. FOREIGN PERIODICALS  
PROGRAM**

CFR Citation: 34 CFR 671

**Completed:**

Reason	Date	FR Cite
Final Action	06/12/92	57 FR 24953
Final Action Effective	07/29/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph Belmonte, 202  
708-7283

RIN: 1840-AA69

**851. PERKINS LOAN, INCOME  
CONTINGENT LOAN, AND  
GUARANTEED STUDENT LOAN  
PROGRAMS**CFR Citation: 34 CFR 673; 34 CFR 674;  
34 CFR 682**Completed:**

Reason	Date	FR Cite
Withdrawn Regs will be completed under the HEA Reauthorization Act.	08/10/92	

Small Entities Affected: Undetermined

Government Levels Affected:  
UndeterminedAgency Contact: Pamela Moran, 202  
708-8242

RIN: 1840-AB52

**852. PERKINS LOAN, COLLEGE  
WORK-STUDY AND SUPPLEMENTAL  
EDUCATIONAL OPPORTUNITY  
GRANT PROGRAMS—AMENDMENTS**CFR Citation: 34 CFR 674; 34 CFR 675;  
34 CFR 676**Completed:**

Reason	Date	FR Cite
Final Action	07/21/92	57 FR 32342
Final Action Effective	09/18/92	

Small Entities Affected: None

Government Levels Affected: None



## ED—OPE

## Completed Actions

**Agency Contact:** Harold F. McCullough, 202 708-4690

**RIN:** 1840-AB31

**853. ● PELL GRANT PROGRAM**

**Legal Authority:** 20 USC 1070a to 1070a-6

**CFR Citation:** 34 CFR 690

**Legal Deadline:** None

**Abstract:** These regulations amend the regulations prescribing those special conditions under which a special calculation of a student's expected family contribution is made.

**Timetable:**

Action	Date	FR Cite
Final Action	06/25/92	57 FR 28568
Final Action Effective	09/18/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Joyce R. Coates, Education Specialist, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4310, ROB-3, Washington, DC 20202, 202 708-7888

**RIN:** 1840-AB56

## DEPARTMENT OF EDUCATION (ED)

## Proposed Rule Stage

## Office of Special Education and Rehabilitative Services (OSERS)

**854. REGIONAL RESOURCE AND FEDERAL CENTERS**

**Legal Authority:** 20 USC 1421

**CFR Citation:** 34 CFR 305

**Legal Deadline:** None

**Abstract:** These regulations would implement certain provisions of the Education of the Handicapped Act Amendments of 1990, Pub. L. 101-476.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/92	57 FR 43572
NPRM Comment Period End	10/21/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Marie Roane, Educational Programs Specialist, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 4627, Switzer Building, Washington, DC 20202, 202 205-8451

**RIN:** 1820-AB00

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	12/00/92	

**Small Entities Affected:** Undetermined.

**Government Levels Affected:** Undetermined

**Agency Contact:** Jeffrey B. Rosen, General Attorney, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 4099, FOB-6, Washington, DC 20202-2110, 202 401-2666

**RIN:** 1820-AB01

**856. REHABILITATION SERVICES ADMINISTRATION GENERAL DEREGULATION**

**Legal Authority:** 20 USC 107 et seq; 29 USC 701 et seq

**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 386; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390

**Legal Deadline:** None

**Abstract:** See Preamble

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** ADDITIONAL CFR CITATION: 34 CFR 395.

**Agency Contact:** Beverlee Stafford, Special Assistant to the Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-1550, 202 205-9331

**RIN:** 1820-AA45

**857. THE STATE INDEPENDENT LIVING REHABILITATION SERVICES PROGRAM - DEREGULATION**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 796 to 796d-1

**CFR Citation:** 34 CFR 365

**Legal Deadline:** None

**Abstract:** See Preamble

**Timetable:**

Action	Date	FR Cite
ANPRM	06/27/88	53 FR 24175
NPRM	00/00/00	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Agency Contact:** Beverlee Stafford, Special Assistant to the Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-1550, 202 205-9331

**RIN:** 1820-AA37

**855. ● DISABILITY AND REHABILITATION RESEARCH; GENERAL PROVISIONS**

**Legal Authority:** 20 USC 760 to 762

**CFR Citation:** 34 CFR 350

**Legal Deadline:** None

**Abstract:** This provision requires an applicant to send a copy of its application to the appropriate State rehabilitation agency or agencies for comment.



## ED—OSERS

## Proposed Rule Stage

**858. CENTERS FOR INDEPENDENT LIVING—STANDARDS AND EVALUATION INDICATORS****Legal Authority:** 20 USC 796e**CFR Citation:** 34 CFR 366**Legal Deadline:** None**Abstract:** These proposed regulations would implement certain changes to the Rehabilitation Act of 1973 made by the

Rehabilitation Act Amendments of 1986.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/10/92	57 FR 30860
ANPRM	09/08/92	
Comment Period End		
NPRM	03/00/93	
Final Action	09/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Local, State**Agency Contact:** Beverlee Stafford, Special Assistant to the Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Bldg., Washington, DC 20202-1550, 202 205-5482**RIN:** 1820-AA81

## DEPARTMENT OF EDUCATION (ED)

## Final Rule Stage

## Office of Special Education and Rehabilitative Services (OSERS)

**859. EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS WITH DISABILITIES****Legal Authority:** 20 USC 1471 to 1485**CFR Citation:** 34 CFR 303**Legal Deadline:** None**Abstract:** These regulations implement certain provisions of the Individuals with Disabilities Education Act Amendments of 1991, Pub. L. 102-119.**CFR Citation:** 34 CFR 316; 34 CFR 318; 34 CFR 319**Legal Deadline:** None**Abstract:** These regulations would implement certain provisions of the Individuals with Disabilities Education Act Amendments of 1991, Pub. L. 102-119, and make other updating and clarifying changes.**Timetable:****Timetable:**

Action	Date	FR Cite
NPRM	05/01/92	57 FR 18986
Final Action	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Peggy Cvach, Education Program Specialist, Division of Education Services, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 4609, Switzer Building, Washington, DC 20202, 202 205-9807**RIN:** 1820-AA97

Action	Date	FR Cite
NPRM	08/05/92	57 FR 34620
Final Action	01/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Max Mueller, Director, Division of Personnel Preparation, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3072, Switzer Building, Washington, DC 20202-2643, 202 205-9554**RIN:** 1820-AA99

and place greater administrative discretion at the State and local levels. The regulations remove or reduce some State plan, paperwork, and reporting requirements not mandated by statute, clarify program eligibility standards and the nature and scope of certain vocational rehabilitation services through more precise definitions, and generally simplify and condense program regulations.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/27/88	53 FR 24175
NPRM	07/03/91	53 FR 30620
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** State**Additional Information:** RIN 1820-AA88 was formerly a part of this RIN.**Agency Contact:** Beverlee Stafford, Special Assistant to the Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-1550, 202 205-5482**RIN:** 1820-AA47**860. TRAINING PERSONNEL FOR THE EDUCATION OF INDIVIDUALS WITH DISABILITIES—GRANTS FOR PARENT TRAINING AND INFORMATION CENTERS; STATE EDUCATIONAL AGENCIES AND INSTITUTES OF HIGHER EDUCATION****Legal Authority:** 20 USC 1431 to 1434**861. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - DEREGULATION****Significance:** Regulatory Program**Legal Authority:** 29 USC 701 to 731**CFR Citation:** 34 CFR 361**Legal Deadline:** None**Abstract:** These regulations reduce regulatory burden on State agencies



## DEPARTMENT OF EDUCATION (ED)

## Completed Actions

## Office of Special Education and Rehabilitative Services (OSERS)

## 862. ASSISTANCE TO STATES FOR EDUCATION OF CHILDREN WITH DISABILITIES AND EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS WITH DISABILITIES

CFR Citation: 34 CFR 300; 34 CFR 303

## Completed:

Reason	Date	FR Cite
Final Action	08/19/92	57 FR 37652
Final Action Effective	10/03/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Tom Irvin, 202 205-8825

RIN: 1820-AA71

## 863. ASSISTANCE TO STATES FOR EDUCATION OF CHILDREN WITH DISABILITIES AND PRESCHOOL GRANTS FOR CHILDREN WITH DISABILITIES

CFR Citation: 34 CFR 300; 34 CFR 301

## Completed:

Reason	Date	FR Cite
Final Action	09/29/92	57 FR 44794
Final Action Effective	11/13/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Tom Irvin, 202 205-8825

RIN: 1820-AA89

## 864. TECHNICAL AMENDMENTS FOR THE OFFICE OF SPECIAL EDUCATION PROGRAMS

CFR Citation: 34 CFR 301; 34 CFR 307; 34 CFR 309; 34 CFR 315; 34 CFR 324; 34 CFR 327

## Completed:

Reason	Date	FR Cite
Final Action	06/29/92	57 FR 28964
Final Action Effective	09/17/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Wolf, 202 205-5506

RIN: 1820-AA98

## 865. THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

CFR Citation: 34 CFR 363

## Completed:

Reason	Date	FR Cite
Final Action	06/24/92	57 FR 28432
Final Action Effective	08/08/92	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Beverlee Stafford, 202 205-5482

RIN: 1820-AA86

## DEPARTMENT OF EDUCATION (ED)

## Completed Actions

## Office of Vocational and Adult Education (OVAE)

## 866. CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

CFR Citation: 34 CFR 400 to 428

## Completed:

Reason	Date	FR Cite
Final Action	08/14/92	57 FR 36720

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sharon Jones, 202 205-8237

RIN: 1830-AA08

## 867. ADULT EDUCATION AND LITERACY PROGRAMS

CFR Citation: 34 CFR 480; 34 CFR 481; 34 CFR 482; 34 CFR 484; 34 CFR 472; 34 CFR 473; 34 CFR 489; 34 CFR 490

## Completed:

Reason	Date	FR Cite
Final Action	06/05/92	57 FR 24084
Final Action Effective	07/21/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joan Seamon, 202 205-8270

RIN: 1830-AA10

## DEPARTMENT OF EDUCATION (ED)

## Proposed Rule Stage

## Office of the General Counsel (EDOGC)

## 668. EQUAL ACCESS TO JUSTICE

Legal Authority: 5 USC 504

CFR Citation: 34 CFR 021

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 amendments to the Equal Access to Justice Act made by PL 99-80.

## Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	03/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Berthiaume, General Attorney, Department of Education, Office of the General Counsel, 400 Maryland Ave. SW., Room 4087, FOB-6, Washington, DC 20202-2243, 202 401-3690

RIN: 1801-AA01



ED—EDOGC

Proposed Rule Stage

**869. ● U.S. EXCHANGE VISITOR PROGRAM—REQUEST FOR WAIVER OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT****Legal Authority:** 8 USC 1182(e); 20 USC 3474; 22 USC 2451 et seq**CFR Citation:** 34 CFR 50**Legal Deadline:** None**Abstract:** These regulations would simplify the language and format of provisions establishing procedures, criteria, and other policies used by the Department of Education in requesting waivers for exchange visitors with respect to areas in which the Department serves as an interested agency.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	04/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Jean Pedersen, Program Support Specialist, International and Territorial Affairs Staff, Department of Education, Office of Intergovernmental and Interagency Affairs, 400 Maryland Avenue SW., Room 3047, FOB-6, Washington, DC 20202-3721, 202 401-0430**RIN:** 1801-AA07**870. ● PRIVACY ACT REGULATIONS****Legal Authority:** 5 USC 301; 5 USC 552a**CFR Citation:** 34 CFR 5b**Legal Deadline:** None**Abstract:** These regulations would modify existing departmental regulations exempting the system of records known as the Office of Inspector General Investigative Files

from certain provisions of the Act and corresponding departmental regulations.

**Timetable:**

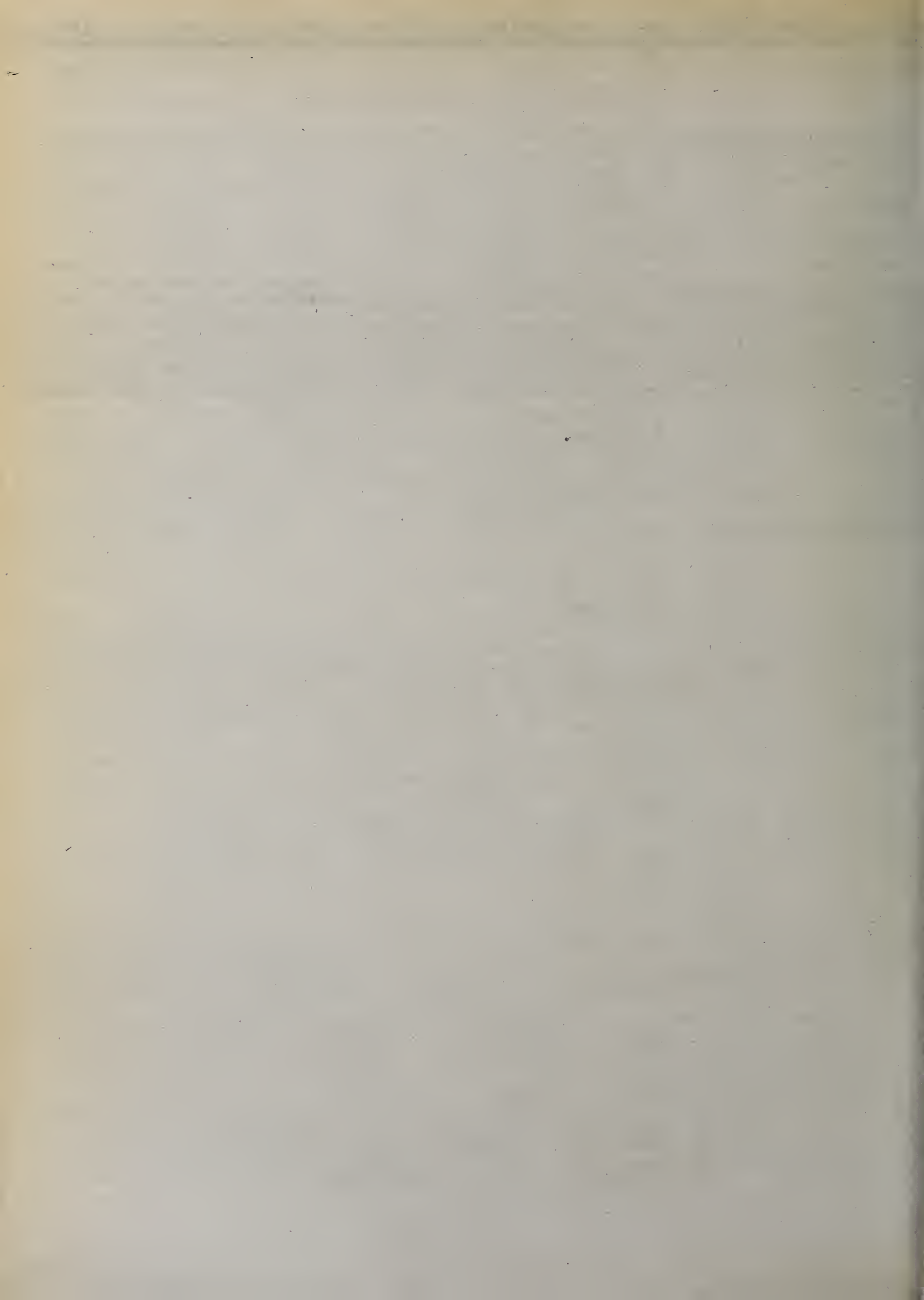
Action	Date	FR Cite
NPRM	10/00/92	
Final Action	02/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal**Agency Contact:** Thomas D. Strong, Department of Education, Office of Inspector General, 400 Maryland Avenue SW., Room 4117, Switzer Building, Washington, DC 20202-1510, 202 205-8762**RIN:** 1801-AA06

[FR Doc. 92-21810 Filed 11-02-92; 8:45 am]

BILLING CODE 4000-01-F

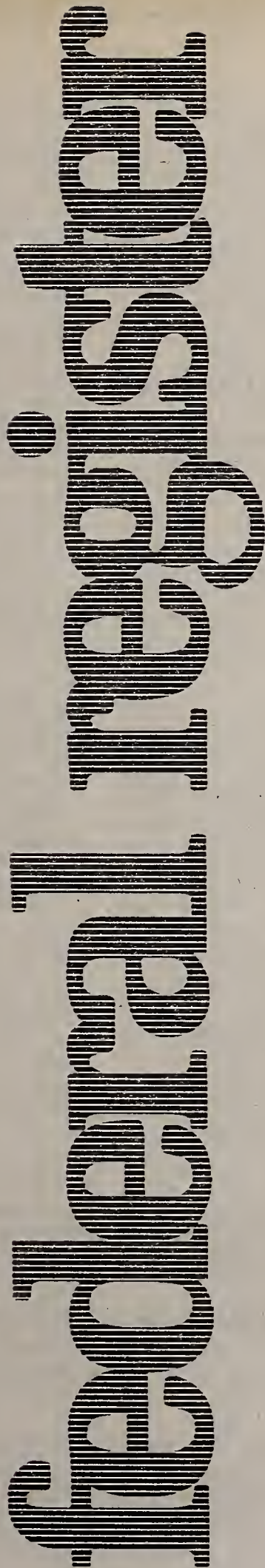






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**Tuesday  
November 3, 1992**



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**Part VII**

**Department of  
Energy**

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**Semiannual Regulatory Agenda**



## DEPARTMENT OF ENERGY (DOE)

## DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

## Regulatory Agenda

AGENCY: Department of Energy.

ACTION: October 1992 regulatory agenda.

**SUMMARY:** In order to make Government more responsive to the citizens of the United States and to assist in fulfilling the President's commitment to lessen regulatory burdens, the Department of Energy (DOE) is publishing this regulatory agenda of: (i) Rulemakings currently in progress and rulemakings which currently are expected to begin during the coming year; (ii) any existing rules which are being reviewed within DOE to determine whether modifications should be proposed based upon experience; and (iii) rulemakings and rule reviews which have been completed since publication of the last regulatory agenda in April 1992. This regulatory agenda also contains information on any rulemakings which are likely to have a significant economic impact on a substantial number of small entities, and it contains additional data on procurement-related actions.

**FOR FURTHER INFORMATION CONTACT:**

For further information about any particular item on the regulatory agenda, please contact the individual listed under that item. For further information on the regulatory agenda in general, please contact: Theodore ("Ted") Wilson, DOE, Room 6B-256, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9507.

**SUPPLEMENTARY INFORMATION:** Covered agencies publish regulatory agendas under Executive Order 12291 in April and October of each year. Under the Executive order, the Office of Management and Budget (OMB) sets standards and procedures for the preparation of these agendas.

Regulatory agendas are important to efforts to reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for Presidential oversight of the regulatory process, minimize duplication and conflict of regulations, and insure well-reasoned regulations. DOE has made considerable progress in attaining these objectives.

**Presidential Regulatory Review Program**

On January 28, 1992, the President issued a Memorandum for Certain Department and Agency Heads on "Reducing the Burden of Government Regulation," which initiated the President's regulatory review program (Phase I). The President's memorandum required a review of existing regulations and programs with the objectives of identifying and removing unnecessary burdens on the private sector and of fostering economic growth. The President's memorandum also directed that, to the maximum extent permitted by law and subject to certain exceptions, the affected agencies refrain from issuing any proposed or final rules for the duration of the regulatory review program. Such agencies could request exceptions for the publication of rulemaking notices in those instances where a request is believed to be warranted based on one or more criteria set forth in the Phase I memorandum.

On April 29, 1992, in a second Memorandum for Certain Department and Agency Heads entitled "Implementing Regulatory Reforms," the President extended the regulatory review program for 120 days (Phase II) and called for implementation of reforms to promote economic growth that had been identified during Phase I.

On August 20, 1992, the President stated that:

I will extend for 1 year the freeze on paperwork and unnecessary Federal regulation that I imposed last winter . . . .

Following subsequent discussions with OMB and pending further written direction, DOE is proceeding as before under the first two phases of the President's regulatory review program.

*Phase I Actions*

On April 27, 1992, DOE transmitted to the President a report describing measures undertaken by DOE to implement Phase I (January 28 to April 27, 1992) of the regulatory review program. That report discussed DOE's actions during Phase I and its anticipated future activities regarding regulatory review. In addition, the report also highlighted critical regulatory reform initiatives and legislative initiatives relating to regulatory reform, which DOE has recommended and advocated during the past 2 years, in connection with development of the Administration's National Energy Strategy.

As noted in the Phase I report, DOE's review identified 18 then-existing regulations as potential candidates for revision or elimination. In addition, DOE internally implemented a moratorium on issuing any new proposed or final regulations except those believed to satisfy one or more of the "exceptions" criteria set forth in the President's memorandum.

Based on suggestions received during the public comment period provided by DOE and on DOE's own further analysis, DOE determined to publish in the Federal Register notices designed to rescind 13 DOE regulations and to revise 3 other DOE regulations.

*Phase II Actions*

During Phase II, DOE implemented these 16 revisions and eliminations in timely compliance with the President's schedule, with the exception of 1 revision which involves interagency coordination and is still in progress. The regulations so eliminated or revised are as follows:

**ELIMINATIONS**

Office of Conservation and Renewable Energy  
10 CFR Part 417--Wind Energy Technology Application Program  
10 CFR Part 445--Industrial Energy Conservation Program  
10 CFR Part 456--Energy Conservation Service Program  
10 CFR Part 490--Emergency Building



DOE

Temperature Restrictions (57 FR 23931, June 5, 1992)  
 Office of Fossil Energy  
 10 CFR Part 595--Certification of Use of Natural Gas to Displace Fuel Oil (57 FR 23523, June 4, 1992)  
 10 CFR Part 220--Strategic Petroleum Reserve Crude Oil Allocation  
 10 CFR Part 300--Coal Loan Guarantee Program  
 10 CFR Part 320--University Coal Research Laboratories Program (57 FR 36890, August 17, 1992)  
 Economic Regulatory Administration  
 10 CFR Part 1001--Separation of Regulatory and Enforcement Functions Within the Economic Regulatory Administration  
 10 CFR Subpart G, sections 205.90-98--Other Proceedings  
 10 CFR Subpart O, section 205.191--Notice of Probable Violation  
 10 CFR Subpart O, section 199D--Interim Remedial Order for Immediate Compliance  
 10 CFR Subpart O, section 199E--Notice of Proposed Disallowance, Proposed Order of Disallowance, and Order of Disallowance (57 FR 23929, June 5, 1992)  
 REVISIONS  
 Office of Energy Research  
 10 CFR Part 605--Office of Energy Research Financial Assistance Program (named the Special Research Grants Program before the Phase II amendment of part 605) (57 FR 40582, September 3, 1992)  
 Office of Procurement, Assistance, and Program Management  
 10 CFR Part 600--Financial Assistance Rules (continuation funding) (57 FR 40083, September 2, 1992)

DOE also intends to revise 10 CFR part 810 Assistance to Foreign Atomic Energy Activities as a result of its regulatory review. The particular changes in this instance necessarily entail interagency coordination and agreement. DOE has initiated the requisite contacts and will continue its efforts to undertake appropriate regulatory improvements in this area as well.

On September 4, 1992, DOE transmitted to the President a report which discussed DOE's actions in implementation of Phase II (April 29 to August 27, 1992) of the President's regulatory review program.

**Contents and Format of Regulatory Agenda**

Executive Order 12291 provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act, 5 U.S.C. 602 *et seq.* The regulatory flexibility agenda must cover 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." Its information requirements are similar to those of the Executive order. The regulatory flexibility agenda required under 5 U.S.C. 602(a) is incorporated in today's notice. The Office of Federal Procurement Policy Act Amendments of 1988, 41 U.S.C. 402, require publication, twice a year, of a "Procurement Regulatory Activity Report." As determined by OMB, agency information is now in the regulatory agenda for use by the Office of Federal Procurement Policy (OFPP) in producing these reports.

Entries appended to this notice reflect the status of activities as of approximately August 15, 1992. They are divided into categories, first by subagencies and then according to their stage of rulemaking action: Prerule, proposed rulemaking, final rulemaking, or completed action.

Appended entries contain the following information: (1) The organizational unit responsible for the regulation; (2) the Regulation Identifier Number (RIN) assigned by OMB/OIRA; (3) title; (4) significance (that is, whether the regulation appears in the Regulatory Program prepared annually under Executive Order 12498 and, if it does not, whether it is nevertheless a DOE priority); (5) the name, title, address, and telephone number of a person who is knowledgeable about the regulation; (6) effects on small business (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) and effects on Federal, State, and local governments; (7) CFR citation (that is, the affected portion of the Code of Federal Regulations); (8) legal authority (that is, a citation to the section of the United States Code (USC), Public Law (PL), or Executive order (EO) that authorizes the regulatory action); (9) abstract (that is, a description of the problem the regulation will address, the regulatory approach under consideration, 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 the date for at least the next stage of the rulemaking). The timetable for completed actions (that is, regulations completed or withdrawn and reviews completed since the preceding regulatory agenda) gives the completion date and any related citation.

For each procurement-related regulatory action, additional information is provided on whether there is a statutory requirement for the action and whether there is a paperwork burden associated with the action.

For those DOE estimated rulemaking dates falling within the moratorium on issuance of rulemaking notices, each relevant entry in this regulatory agenda states that DOE either will obtain an exception pursuant to the President's direction or will defer any action until expiration of the moratorium.

A draft of this regulatory agenda has been transmitted to the Chief Counsel for Advocacy of the U.S. Small Business Administration for comment, if any, pursuant to 5 U.S.C. 602(b).

DOE's next regulatory agenda will be published in April 1993.

Issued in Washington, DC, on October 2, 1992.

Eric J. Fygi,  
*Acting General Counsel.*

**Conservation and Renewable Energy—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
871	Energy Efficiency Standards for Central Air Conditioners, Heat Pumps, Furnaces, Refrigerators, Refrigerator-Freezers and Freezers.....	1904-AA47



## DOE

## Conservation and Renewable Energy—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
872	Energy Conservation Performance Standards for New Buildings; Subpart B - Voluntary Performance Standards for New Non-Federal Residential Buildings .....	1904-AA34
873	Energy Efficiency Standards for Water Heaters, Pool Heaters, Direct Heating Equipment, Mobile Home Furnaces, Kitchen Ranges & Ovens, Room Air Conditioners, Fluorescent Lamp Ballasts, (cont) .....	1904-AA38
874	Equivalent Petroleum-Based Fuel Economy Calculation for Electric Vehicles .....	1904-AA40
875	Test Procedures for Furnaces—Amendment .....	1904-AA45
876	Test Procedures for Central Air Conditioners and Heat Pumps—Amendments .....	1904-AA46

## Conservation and Renewable Energy—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
877	Energy Conservation Performance Standards for New Buildings; Subpart A - Commercial and Multi-Family High Rise Residential Buildings .....	1904-AA08
878	Energy Conservation Performance Standards for New Buildings; Subpart C - Mandatory Performance Standards for New Federal Residential Buildings .....	1904-AA27
879	Amendments to the State Energy Conservation Program .....	1904-AA42
880	Amendments to the Low-Income Weatherization Assistance Program .....	1904-AA43
881	Grant Programs for Schools and Hospitals, Local Government Buildings and Public Care Institutions—Amendments .....	1904-AA48

## Conservation and Renewable Energy—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
882	State Energy Conservation Program Partnership Grants .....	1904-AA49
883	Energy Efficiency Standards for Clothes Washers .....	1904-AA50
884	Elimination of Parts 417, 445, 456, and 490 of Title 10 of the Code of Federal Regulations .....	1904-AA51

## Defense and Security Affairs—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
885	Personnel Assurance Program: Substance Abuse Program .....	1992-AA14
886	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material .....	1992-AA15
887	Assistance to Foreign Atomic Energy Activities .....	1992-AA18

## Defense and Security Affairs—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
888	Personnel Security Assurance Program: Substance Abuse Testing Procedures .....	1992-AA13
889	Security Skills Training and Qualifications Standards for Protective Force Personnel .....	1992-AA16
890	Accelerated Access Authorization Program; Pilot Project at Selected DOE Sites .....	1992-AA17



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## Departmental and Others—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
891	Hazardous Substance Response and Emergency Response Worker Training and Contractor Certification Program....	1901-AA44

## Departmental and Others—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
892	Electric Power System Permits and Reports; Applications; Administrative Procedures and Sanctions.....	1901-AA19
893	Procedures for Implementing the Equal Access to Justice Act in Energy Board of Contract Appeals Proceedings.....	1901-AA22
894	New Administrative Procedures with Respect to Short-Term Imports and Exports of Natural Gas.....	1901-AA25
895	Environmental Restoration Management Contractor.....	1901-AA29
896	Energy Board of Contract Appeals Rules of Practice.....	1901-AA30
897	Rules of Practice to Govern Proceedings to Resolve Certain Disputes Arising Between M&O Contractors and Their Subcontractors.....	1901-AA31
898	Renegotiation of Power Sales Contracts.....	1901-AA36
899	Preference Policy for Certain Sales of Power under the Northwest Power Act.....	1901-AA37
900	Radiation Protection of the Public and the Environment.....	1901-AA38
901	Nuclear Safety Management: PHASE II.....	1901-AA42

## Departmental and Others—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
902	Procedural Rules for DOE Nuclear Activities.....	1901-AA26
903	Freedom of Information.....	1901-AA32
904	Procedures for Financial Assistance Appeals Before the Energy Financial Assistance Appeals Board.....	1901-AA33
905	Nuclear Safety Management.....	1901-AA34
906	Radiation Protection for Occupational Workers.....	1901-AA39
907	Policy To Implement Section 6(c) of the Northwest Power Act.....	1901-AA43

## Departmental and Others—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
908	National Environmental Policy Act Implementing Procedures.....	1901-AA20
909	Permits for Access to Restricted Data: Atomic Vapor Laser Isotope Separation (U-AVLIS) Uranium Enrichment.....	1901-AA23
910	Environmental Restoration Management Contractor.....	1901-AA40
911	The Office of Energy Research Financial Assistance Program.....	1901-AA45
912	Elimination of 10 CFR Part 1001 and Certain Sections of Part 205.....	1901-AA46
913	Elimination of 10 CFR Part 595, "Certification of Use of Natural Gas To Displace Fuel Oil".....	1901-AA47
914	Elimination of 10 CFR Parts 220, 300, and 320.....	1901-AA48

## Office of Procurement, Assistance and Program Management—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
915	DEAR: Patent Policy Revisions.....	1991-AA23
916	Department of Energy Property Management Regulations: Management of Motor Equipment.....	1991-AA28
917	DEAR: Miscellaneous Changes on Acquisition of Motor Equipment.....	1991-AA32
918	Resolution of Disputes Between Subcontractors and DOE Management and Operating Contractors.....	1991-AA44



## DOE

## Office of Procurement, Assistance and Program Management—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
919	Department of Energy Acquisition Regulation; Miscellaneous Amendments #3 .....	1991-AA60
920	Technology Transfer: DOE Management and Operating Contractors .....	1991-AA63
921	Debarment and Suspension .....	1991-AA69
922	DEAR: Major Fraud Act .....	1991-AA73
923	Personnel Appendices and Employee Relocation under Management and Operating Contracts .....	1991-AA80
924	Acquisition of Federal Information Resources by Contract .....	1991-AA81
925	Use of Commerce Business Daily .....	1991-AA84
926	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments .....	1991-AA85
927	DEAR: Security Procedures .....	1991-AA86
928	DEAR: Implementation of the NCTTA .....	1991-AA87
929	DEAR: M&O Work Authorization and Control System .....	1991-AA91
930	DEAR: Miscellaneous Amendments #3 .....	1991-AA92
931	DEAR: Project Control System .....	1991-AA93

## Office of Procurement, Assistance and Program Management—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
932	Department of Energy Acquisition Regulation: Environmental, Safety, and Health Requirements .....	1991-AA53
933	New Restrictions on Lobbying .....	1991-AA64
934	Department of Energy Acquisition Regulation; Management and Operating Contractors and Facility Management Directives .....	1991-AA67
935	DEAR: Contractor Employee Protection Program .....	1991-AA75
936	Research Opportunity Announcements .....	1991-AA82
937	Protective Services and Continuity of Operation .....	1991-AA83
938	Amendment to Workplace Substance Abuse Programs at DOE Sites .....	1991-AA90

## Office of Procurement, Assistance and Program Management—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
939	Substance Abuse Program Relating to Contractor Employees .....	1991-AA39
940	Department of Energy Assistance Regulation; Amendment .....	1991-AA79
941	DEAR: Workplace Substance Abuse Programs at DOE Sites .....	1991-AA89
942	Financial Assistance Rules; Continuation Awards .....	1991-AA94

## Office of General Counsel—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
943	Patent Waiver Regulation .....	1990-AA02
944	Foreign Gifts and Decorations .....	1990-AA04
945	Payment of Travel Expenses of Persons Who Are Not Government Employees .....	1990-AA15
946	DOE Patent Licensing Regulations—Amendment .....	1990-AA18



DOE

Office of General Counsel—Final Rule Stage

Se-quence Number	Title	Regulation Identifier Number
947	Production or Disclosure of Material or Information and Provision of Agency Witnesses in Federal and State Proceedings.....	1990-AA12

DEPARTMENT OF ENERGY (DOE)

Prerule Stage

Conservation and Renewable Energy (CE)

**871. ENERGY EFFICIENCY STANDARDS FOR CENTRAL AIR CONDITIONERS, HEAT PUMPS, FURNACES, REFRIGERATORS, REFRIGERATOR-FREEZERS AND FREEZERS**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 6295

**CFR Citation:** 10 CFR 430.32

**Legal Deadline:** Final, Statutory, January 1, 1994.

EPCA requires DOE determinations on need to amend Federal appliance standards in a period from 07/01/89 to 01/01/94. The statute requires completion of a second reanalysis of all (cont)

**Abstract:** The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy-efficiency standards levels for most types of major appliances and generally requires DOE 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; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department. This rulemaking will review the statutory standards for central air conditioners and furnaces to determine whether those levels need to be amended. This is the second reanalysis of the standard levels for refrigerators, refrigerator-freezers and freezers.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/92	
NPRM	09/00/93	
Final Action	08/00/94	

**Small Entitles Affected:** Undetermined

**Government Levels Affected:** Local, State

**Additional Information:** LEGAL DEADLINE CONT: then-extant standards in a period from 07/01/94 to 12/31/2006. The EPCA requires a final determination on central air conditioners, heat pumps and furnaces by 01/01/94. The EPCA also requires a final determination in the reanalysis of refrigerators, refrigerator-freezers and freezers by 11/17/94 (5 years after publication of the previous final determination).

**TIMETABLE:** The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Michael J. McCabe, Director, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9127

**RIN:** 1904-AA47

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Conservation and Renewable Energy (CE)

**872. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART B - VOLUNTARY PERFORMANCE STANDARDS FOR NEW NON-FEDERAL RESIDENTIAL BUILDINGS**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 6831 et seq

**CFR Citation:** 10 CFR 435

**Legal Deadline:** Final, Statutory, October 1983.

**Abstract:** Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of voluntary energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing Subpart B, interim voluntary standards for new non-Federal residential buildings. DOE is required to conduct demonstrations of interim standards and report its findings to

Congress, prior to the development and promulgation of final standards.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/92	57 FR 39424
NPRM Comment Period End	11/30/92	57 FR 39424
Interim Final Rule	10/00/93	

**Small Entitles Affected:** None



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**Government Levels Affected:** Local, State

**Sectors Affected:** Multiple

**Additional Information:** TIMETABLE CONT: The indicated NPRM date fell within the moratorium on regulatory initiatives. DOE received permission to proceed with publication on July 31, 1992.

**Agency Contact:** Jean J. Boulin, Project Manager, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9127

**RIN:** 1904-AA34

**873. ENERGY EFFICIENCY STANDARDS FOR WATER HEATERS, POOL HEATERS, DIRECT HEATING EQUIPMENT, MOBILE HOME FURNACES, KITCHEN RANGES & OVENS, ROOM AIR CONDITIONERS, FLUORESCENT LAMP BALLASTS, (CONT)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 6295

**CFR Citation:** 10 CFR 430.32

**Legal Deadline:** Final, Statutory, January 1, 1992.

EPCA 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 (cont)

**Abstract:** The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy-efficiency standard levels for most types of major appliances and generally requires DOE 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; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department. This rulemaking will review the statutory standards for water heaters; pool heaters; kitchen ranges and ovens; room air conditioners; direct heating equipment; mobile home furnaces; and

fluorescent lamp ballasts to determine whether those levels need to be amended. In addition, television sets will be examined to determine whether conservation standards are justified.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/28/90	55 FR 39624
NPRM	12/00/92	
Final Action	06/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Additional Information:** TITLE CONT: and Television Sets

**LEGAL DEADLINE CONT:** then-extant standards in a period from 7/1/94 to 12/31/2006. EPCA requires a Final Rule by May 14 1996, in the second reanalysis of clothes washer standards. Prior to the April 1992 Agenda, clothes washer standards were included in the multi-product review reported in RIN 1904-AA38. On February 26, 1992, DOE granted a petition to remove clothes washer standards from the multi-product rulemaking.

**TIMETABLE CONT:** The indicated NPRM date falls with the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Michael J. McCabe, Director, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 588-9127

**RIN:** 1904-AA38

**874. EQUIVALENT PETROLEUM-BASED FUEL ECONOMY CALCULATION FOR ELECTRIC VEHICLES**

**Legal Authority:** PL 96-185, Sec 18; PL 94-413, Sec 13(c); PL 94-163, Sec 503(a)(3)

**CFR Citation:** 10 CFR 474

**Legal Deadline:** None

**Abstract:** The final rule on the inclusion of electric vehicles in the Corporate Average Fuel Economy (CAFE) program was issued by DOE on April 15, 1981. It established a methodology for determining the equivalent petroleum-based fuel economy of electric vehicles so that they could be included in a

manufacturer's overall CAFE program. This methodology was based on several factors including the energy efficiency of the vehicle, the efficiency of electricity generation and transmission, the fuels used to generate electricity, and the driving patterns of electric vehicles. At this time, DOE is proposing updating the factors in this methodology that are necessary for calculating the CAFE credits for electric vehicles.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
Final Action	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Report comparing Alternative Motor Fuels Act with existing rule completed April 1992. Second report recommending new Petroleum Equivalency Factor for NPRM completed May 1992.

**TIMETABLE CONT:** The indicated NPRM and Final Action dates fall within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM/Final Action until the moratorium expires.

**Agency Contact:** Bill Siegel, Program Manager, Electric and Hybrid Propulsion Division, Department of Energy, Conservation and Renewable Energy, CE-152, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-2198

**RIN:** 1904-AA40

**875. TEST PROCEDURES FOR FURNACES—AMENDMENT**

**Legal Authority:** 42 USC 6293

**CFR Citation:** 10 CFR 430

**Legal Deadline:** None

**Abstract:** Revision to the test procedures for furnaces/boilers, vented home heating equipment, and pool heaters in accordance with the Energy Policy and Conservation Act, as amended: (1) For furnaces/boilers, would replace the decision and orders granting waivers to several manufacturers concerning blower time delay, off cycle draft factor, update ANSI/ASHRAE Standard 103-82, and establish a new energy descriptor which includes electrical energy; (2) for



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home heating equipment and pool heaters, would establish an energy descriptor which includes electrical energy.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information: TIMETABLE:** The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Cyrus Nasser, Mechanical Engineer, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy,

1000 Independence Ave. SW., Washington, DC 20585, 202 586-9138

**RIN:** 1904-AA45

**876. TEST PROCEDURES FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS—AMENDMENTS**

**Legal Authority:** 42 USC 6293

**CFR Citation:** 10 CFR 430

**Legal Deadline:** None

**Abstract:** These revisions to the test procedures for central air conditioners and heat pumps in accordance with the Energy Policy and Conservation Act, as amended, will include appliances that perform water heating in addition to air conditioning or heating. This is prompted by the issuance of a Decision and Order granting a waiver to the Carrier Corporation for its Hydrotech 2000 integrated heat pump/water heater

(Waiver CAC-005, 55 FR 13607, April 11, 1990).

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information: TIMETABLE:** The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Michael J. McCabe, Director, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9127

**RIN:** 1904-AA46

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Conservation and Renewable Energy (CE)

**877. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART A - COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 6831 et seq

**CFR Citation:** 10 CFR 435

**Legal Deadline:** Final, Statutory, October 1983.

**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 has promulgated Subpart A interim standards for commercial buildings and multi-family high rise buildings. The standards are mandatory for the Federal sector and voluntary for all others. DOE is conducting demonstrations of interim standards and is required to report its findings to Congress, prior to the development and promulgation of final standards.

**Timetable:**

Action	Date	FR Cite
NPRM	05/06/87	52 FR 17051
NPRM Comment Period End	08/04/87	
Interim Final Rule	01/30/89	54 FR 4538
Interim Final Rule Effective	07/31/89	54 FR 4538
Final Action	06/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Public Compliance Cost:** Initial Cost: \$0; Yearly Recurring Cost: \$0; Base Year for Dollar Estimates: 1989

**Analysis:** Economic Analysis 05/06/87 (52 FR 17051); Environmental Analysis 05/06/87 (52 FR 17051)

**Agency Contact:** Jean J. Boulin, Project Manager, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9127

**RIN:** 1904-AA08

**878. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART C - MANDATORY PERFORMANCE STANDARDS FOR NEW FEDERAL RESIDENTIAL BUILDINGS**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 6831 et seq

**CFR Citation:** 10 CFR 435

**Legal Deadline:** Final, Statutory, October 1983.

**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 has promulgated Subpart C, interim mandatory standards for new Federal residential buildings. DOE is conducting demonstrations of interim standards and is required to report its findings to Congress, prior to the development and promulgation of final standards.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29754
Interim Final Rule	08/25/88	53 FR 32536



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Action	Date	FR Cite
Proposed Modification of Interim Final Rule	08/25/88	53 FR 32547
Final Modification of Interim Final Rule	01/31/91	56 FR 3764
Final Action	12/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Public Compliance Cost:** Initial Cost: \$0; Yearly Recurring Cost: \$0; Base Year for Dollar Estimates: 1989

**Analysis:** Economic Analysis 08/20/86 (51 FR 29773); Environmental FONSI 08/20/86 (51 FR 29773)

**Additional Information:** On 01/31/91, the Department modified the interim final rule in three respects (56 FR 3764). To the computerized building design program (COSTSAFR) is added: (1) credit for three mass-wall configurations; (2) new energy data on window glazings; and (3) a mathematical process for integrating innovative design options into the analysis.

**Agency Contact:** Jean J. Boulin, Project Manager, Office of Codes and Standards, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9127

**RIN:** 1904-AA27

### 879. AMENDMENTS TO THE STATE ENERGY CONSERVATION PROGRAM

**Legal Authority:** 42 USC 6201; PL 101-440

**CFR Citation:** 10 CFR 420

**Legal Deadline:** None

**Abstract:** This rulemaking amends the regulations for the State Energy Conservation Program to incorporate changes mandated by the State Energy Efficiency Programs Improvement Act of 1990 (SEEPIA), (Public Law 101-440). Changes required by SEEPIA include: Updating State energy efficiency goals; providing for an energy emergency planning program; broadening the range of permissible elements of State energy conservation plans; repealing the supplemental State energy conservation plan; and establishing an energy technology commercialization services program.

### Timetable:

Action	Date	FR Cite
NPRM	12/31/91	56 FR 6710
NPRM Comment Period End	02/14/92	56 FR 6710
Final Action	10/30/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information: TIMETABLE:** The indicated Final Action date falls within the President's moratorium on regulatory initiatives. On September 18, 1992, DOE requested an exception from the moratorium in order to publish the Final Action.

**Agency Contact:** Sandra S. Monje, State Energy Programs Division, Office of Technical & Financial Assistance, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-8295

**RIN:** 1904-AA42

### 880. AMENDMENTS TO THE LOW-INCOME WEATHERIZATION ASSISTANCE PROGRAM

**Legal Authority:** 42 USC 6861 et seq; PL 101-440

**CFR Citation:** 10 CFR 440.1 to 440.30

**Legal Deadline:** None

**Abstract:** The regulation incorporates changes to the Weatherization Program as set forth in the State Energy Efficiency Programs Improvement Act of 1990. These changes include: Adding cooling measures and renter protection requirements to the program, updating allocation formula data annually, allowing landlord contributions, increasing subgrantee administrative cost allowances, providing a waiver to the 40 percent materials requirement, indexing the average \$1600 per-unit cost limitation, and revising production incentives. The regulation also makes administrative changes based on program experience over the last five years.

### Timetable:

Action	Date	FR Cite
NPRM	10/23/91	56 FR 54932
NPRM Comment Period End	02/07/92	56 FR 54932
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information: TIMETABLE:** The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.

**Agency Contact:** Gregory Reamy, Energy Conservation Specialist, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-2207

**RIN:** 1904-AA43

### 881. GRANT PROGRAMS FOR SCHOOLS AND HOSPITALS, LOCAL GOVERNMENT BUILDINGS AND PUBLIC CARE INSTITUTIONS—AMENDMENTS

**Legal Authority:** 42 USC 6371 et seq; PL 101-440, Sec 6

**CFR Citation:** 10 CFR 455

**Legal Deadline:** None

**Abstract:** This regulation is being revised to incorporate changes made by the State Energy Efficiency Programs Improvement Act of 1990, and to provide clearer and/or more flexible requirements for various aspects of program operation. Among the changes are several to add new types of State grants for additional State activities to support the program; more flexible requirements for energy audits and related activities; broadened eligibility for buildings and improvements; more specific requirements for describing and/or supporting recommendations for improvements; and an increased minimum State administrative grant amount.

### Timetable:

Action	Date	FR Cite
NPRM	01/06/92	57 FR 432
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information: TIMETABLE:** The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.



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**Agency Contact:** Robert K. Volk, Jr.,  
Director, Institutional Conservation  
Program (CE-531), Department of

Energy, Conservation and Renewable

Energy, 1000 Independence Ave. SW.,  
Washington, DC 20585, 202 586-8034

RIN: 1904-AA48

## DEPARTMENT OF ENERGY (DOE)

## Completed Actions

## Conservation and Renewable Energy (CE)

**882. STATE ENERGY CONSERVATION PROGRAM PARTNERSHIP GRANTS**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 6321

**CFR Citation:** 10 CFR 420.3

**Legal Deadline:** None

**Abstract:** The President's FY 1993 budget request for the State Energy Conservation Program (SECP) would fund new competitive grants for cooperative projects with States and industry (partnership grants) as well as the traditional formula grants to support ongoing State programs, including the Energy Extension Service (EES). The President's budget request contains \$20 million for partnership grants. The SECP program regulations need to be amended to permit the award of competitive, partnership grants. Funding for the partnership grants would be provided, on a competitive basis, to States to launch cooperative projects with industry and other organizations to support focused and highly leveraged activities that accelerate commercial deployment of emerging transportation and electricity supply technologies or innovative technologies that maximize industrial and building energy efficiency. State-industry cost-sharing targets for SECP partnership grants would be at least two to one. This action is being taken primarily in response to a recommendation of the National Energy Strategy which encourages the Administration and Congress to provide adequate funding for technology (cont)

**Timetable:**

Action	Date	FR Cite
Withdrawn - See Additional Information	07/30/92	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Additional Information:** Withdrawn because the partnership grants had been written out of both the Senate and House versions of the relevant appropriations bill for fiscal year 1993.

**Agency Contact:** Sandra S. Monje,  
State Energy Programs Division, Office  
of Technical and Financial Assistance,  
Department of Energy, Conservation  
and Renewable Energy, 1000  
Independence Ave. SW., Washington,  
DC 20585, 202 586-9187

RIN: 1904-AA49

**883. ENERGY EFFICIENCY STANDARDS FOR CLOTHES WASHERS**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 6295

**CFR Citation:** 10 CFR 430.32

**Legal Deadline:** Final, Statutory,  
January 1, 1992.

EPCA 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 (cont)

**Abstract:** The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy-efficiency standard levels for most types of major appliances and generally requires DOE 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; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department. This rulemaking is the second reanalysis of clothes washer standards.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/28/90	55 FR 39624
Withdrawn - Returned to original schedule by letter to petitioners.	02/26/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local,  
State

**Additional Information:** LEGAL

**DEADLINE CONT:** then-extant standards in a period from 7/1/94 to 12/31/2006. EPCA requires a Final Rule by May 14, 1996, in the second reanalysis of clothes washer standards. Prior to the April 1992 Agenda, clothes washer standards were included in the multi-product review reported in RIN 1904-AA38. In February 1992, DOE granted a petition to remove clothes washer standards from the multi-product rulemaking.

**Agency Contact:** Michael J. McCabe,  
Director, Office of Codes and  
Standards, Department of Energy,  
Conservation and Renewable Energy,  
1000 Independence Ave. SW.,  
Washington, DC 20585, 202 586-9127

RIN: 1904-AA50

**884. ● ELIMINATION OF PARTS 417, 445, 456, AND 490 OF TITLE 10 OF THE CODE OF FEDERAL REGULATIONS**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 9205(i); PL 99-509; 42 USC 8229; PL 99-412; PL 99-58

**CFR Citation:** 10 CFR 417; 10 CFR 445;  
10 CFR 456; 10 CFR 490

**Legal Deadline:** None

**Abstract:** On June 1, 1992, DOE transmitted to the Federal Register for publication final rules by means of which it eliminated the following regulations or portions thereof because the statutory bases for these regulations no longer exist: 10 CFR part 417, "Wind



## DOE—CE

## Completed Actions

Energy Technology Application Program"; 10 CFR part 445, "Industrial Energy Conservation Program"; 10 CFR part 456, "Energy Conservation Service Program"; and 10 CFR part 490, "Emergency Building Temperature Restrictions." This action was a DOE initiative in implementing the President's regulatory review program.

**Timetable:**

Action	Date	FR Cite
Final Action	06/05/92	57 FR 23931
Final Action Effective	06/05/92	57 FR 23931

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** TIMETABLE CONT: DOE determined that these rule eliminations did not require prior public comment because the statutory predicate for each given regulation had

previously expired by its terms or been expressly or effectively rescinded or superseded by subsequent legislation. For essentially the same reasons, these notices of rule rescission were effective upon publication.

**Agency Contact:** Simon Sidamon-Eristoff, Special Assistant to the Assistant Secretary, Department of Energy, Conservation and Renewable Energy, Room 6C-016, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-9220

**RIN:** 1904-AA51

**DEPARTMENT OF ENERGY (DOE)  
Defense and Security Affairs (DSA)**

## Proposed Rule Stage

**885. PERSONNEL ASSURANCE PROGRAM: SUBSTANCE ABUSE PROGRAM**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 2012 et seq, Atomic Energy Act of 1954

**CFR Citation:** 10 CFR 711

**Legal Deadline:** None

**Abstract:** The Department of Energy (DOE) conducts a Personnel Assurance Program (PAP) under DOE 5610.11 "Program to Prevent Accidental or Unauthorized Nuclear Explosive Detonation." The PAP was created in order to assure the reliability and safety of individuals in certain critical positions and is a part of the DOE nuclear weapons and explosives safety program. To further minimize the potential risks to personnel, public health and safety, and national security, the Department now proposes this rule which describes the PAP and provides for testing for alcohol under certain circumstances and for possible use of illegal drugs by DOE Federal and contractor employees requiring PAP certification or recertification. The DOE employees under the PAP are part of the DOE Drug-Free Workplace Program (DOE 3792.3). The DOE contractors under the PAP are a part of the Workplace Substance Abuse Programs at DOE Facilities (proposed 10 CFR 707).

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** TIMETABLE

CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** James Turner or Douglas Zimmerman, Defense Programs, Department of Energy, DP-20.1, Washington, DC 20545, 301 903-3463

**RIN:** 1992-AA14

**886. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL**

**Legal Authority:** 42 USC 2161; 42 USC 2165; 42 USC 2201

**CFR Citation:** 10 CFR 710, subpart A

**Legal Deadline:** None

**Abstract:** The criteria and procedures will be revised to permit Managers to render final determinations when an individual processed under part 710 declines the right to a hearing; termination of processing or administrative termination of security clearance when an individual refuses to submit or complete required security forms or be subject to a personnel security interview; and final determinations to be rendered by the Director, Office of Security Affairs, who has been delegated this authority by the Secretary of Energy.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Submittal of proposed rule is pending management decision regarding federalization of Hearing Officer positions. Once decision is made a proposed rule will be submitted.

**Agency Contact:** A. Barry Dalinsky, Chief, Personnel Security Policy Branch (SA-122), Department of Energy, Office of Safeguards and Security, Office of Security Affairs, Washington, DC 20545, 301 903-5010

**RIN:** 1992-AA15

**887. ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 2077; 42 USC 2156 to 2158; 42 USC 2201; 42 USC 2273; PL 93-438, sec 104; 41 USC 7101

**CFR Citation:** 10 CFR 810

**Legal Deadline:** None

**Abstract:** Under the existing part 810 regulations, entitled Assistance to Foreign Atomic Energy Activities, assistance by U.S. persons to nuclear power reactor-related activities outside the United States is generally authorized for countries not listed in section 810.8. A main purpose of this revision is to establish a general authorization to enhance the operational safety of existing civilian



## DOE—DSA

## Proposed Rule Stage

nuclear power reactors in all countries that are on the section 810.8 list, eliminating the need for specific authorization by the Secretary of Energy for such assistance. In addition, the section 810.8 list of countries is being updated. Deletions from the list include countries that no longer exist and East European countries that were listed solely for national security reasons that vanished with the disintegration of the Warsaw Pact. Added to the list are certain republics of the former Soviet Union.

This action was identified in connection with DOE's implementation of the President's regulatory review program. The revision of part 810 would: (1)

expedite safety-related assistance to civilian nuclear power plants, particularly (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entitles Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: in the former Soviet Union, and support the U.S. Government's efforts to improve the operational safety of nuclear power reactors worldwide; (2) support the President's policy of reducing the regulatory burden on U.S. industry by eliminating unnecessary

paperwork and time-consuming bureaucratic delays; and (3) enable U.S. firms to compete more effectively against foreign competitors for safety-related nuclear business.

**TIMETABLE CONT:** The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Zander Hollander, Export Control Specialist (AN-30), Department of Energy, Office of Export Control & International, Safeguards, Washington, DC 20585, 202 586-2125

**RIN:** 1992-AA18

**DEPARTMENT OF ENERGY (DOE)  
Defense and Security Affairs (DSA)**

## Final Rule Stage

**888. PERSONNEL SECURITY  
ASSURANCE PROGRAM: SUBSTANCE  
ABUSE TESTING PROCEDURES**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 2161; 42 USC 2165; 42 USC 2201

**CFR Citation:** 10 CFR 710, subpart B

**Legal Deadline:** None

**Abstract:** The Department of Energy (DOE) has established the Personnel Security Assurance Program (PSAP) through the publication of the revision to 10 CFR 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material." The PSAP was created in order to assure the reliability of individuals in certain positions, defined in Section 710.50(a), and referred to as PSAP positions for purposes of this proposed rule. The Department now proposes to amend this rule to promulgate guidelines for DOE contractors for testing for possible use of illegal drugs by their PSAP-cleared employees. These guidelines will constitute a baseline PSAP substance abuse testing component.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/91	56 FR 10075
NPRM Comment Period End	04/08/91	
Final Action	10/00/92	

**Small Entitles Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** TIMETABLE: The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.

**Agency Contact:** Lynn Gebrowsky, Personnel Security Policy Branch, (SA-122), Policy, Standards and Analysis Division, Department of Energy, Office of Safeguards and Security, Office of Security Affairs, Washington, DC 20545, 301 903-3200

**RIN:** 1992-AA13

**889. SECURITY SKILLS TRAINING  
AND QUALIFICATIONS STANDARDS  
FOR PROTECTIVE FORCE  
PERSONNEL**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 2201k, Atomic Energy Act of 1954, sec 161k; 42 USC 2012(a) and (e); 42 USC 7254, DOE Organization Act, sec 644

**CFR Citation:** 10 CFR 1046 (Revision)

**Legal Deadline:** None

This is a court-ordered action.

**Abstract:** On February 9, 1988, DOE Order 5632.7 "Protective Forces" was issued which updated the requirements for firearms qualifications for security inspectors at DOE facilities. In an order and judgment entered March 19, 1990, the U.S. District Court of Nevada

granted summary judgment and invalidated DOE's order as it applied to contractor personnel, due to the agency's failure to conduct an Administrative Procedure Act notice and comment rulemaking. The regulations would, inter alia, require that each contractor protective force officer have an appropriate access authorization and successfully complete formal basic and annual training in security skills and knowledge. The regulations also would require security inspectors to pass a firearms qualification test. Each security inspector would be required to demonstrate firearms proficiency at least semiannually, as indicated in the DOE requirements of the Standard DOE Qualification Courses, with all weapons reasonably expected to be used by the employee.

**Timetable:**

Action	Date	FR Cite
NPRM	05/10/91	56 FR 21631
NPRM Comment Period End	07/09/91	
Final Action	00/00/00	

**Small Entitles Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** Public hearings were held in Las Vegas, NV, on June 14, 1991, Argonne, IL, on June 21, 1991, and Oak Ridge, TN, on June 28, 1991.

Rulemaking to be sent to Attorney General for approval.



## DOE—DSA

## Final Rule Stage

**Agency Contact:** William J. Desmond, Chief, Physical Security Branch (SA-121), Office of Safeguards and Security, Department of Energy, Office of Security Affairs, 19901 Germantown Road, Germantown, MD 20545, 301 903-4244

**RIN:** 1992-AA16

**890. ACCELERATED ACCESS AUTHORIZATION PROGRAM; PILOT PROJECT AT SELECTED DOE SITES**

**Legal Authority:** 42 USC 2165, Atomic Energy Act of 1954, sec 145

**CFR Citation:** Not applicable

**Legal Deadline:** None

**Abstract:** In response to a pressing need for more expeditious processing of access authorization (personnel security clearance) requests, the Department of Energy (DOE) established a pilot

project for an Accelerated Access Authorization (AAA) program at its Rocky Flats Office and is establishing such a program at other DOE sites including Albuquerque. DOE has determined that the AAA program was necessary because of the need to secure, on a timely basis, staff expertise to be applied to a variety of urgent environmental and defense issues. The AAA program does not take the place of the current access authorization clearance process, but allows workers to perform their jobs while the full background investigation is being conducted. The AAA program will be offered to DOE contractor and Federal employees as an option.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This action is an interpretation of the statute, and is not subject to notice and comment.

**TIMETABLE:** The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.

**Agency Contact:** Lynn Gebrowsky, Personnel Security Policy Branch, (SA-122), Policy, Standards and Analysis Division, Department of Energy, Office of Safeguards and Security, Office of Security Affairs, Washington, DC 20545, 301 903-3200

**RIN:** 1992-AA17

**DEPARTMENT OF ENERGY (DOE)**

**Departmental and Others (ENDEP)**

**Prerule Stage**

**891. ● HAZARDOUS SUBSTANCE RESPONSE AND EMERGENCY RESPONSE WORKER TRAINING AND CONTRACTOR CERTIFICATION PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** PL 102-190, sec 3131

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** Public Law 102-190, sec 3131, subsection (b) directs the Department of Energy to assess civil penalties against contractors at DOE nuclear weapons facilities who fail either to provide

training to employees engaged in hazardous substance response and emergency response or fail to certify that such workers have been adequately trained. The regulation will provide the requirements for this training and provide the procedures for enforcement as provided for in sec 3131.

**Timetable:**

Action	Date	FR Cite
Next Action	Undetermined	

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Public Compliance Cost:** Initial Cost: \$0; Yearly Recurring Cost: \$0; Base Year for Dollar Estimates: 1991

**Sectors Affected:** All

**Agency Contact:** David Smith, Industrial Hygienist, Department of Energy, EH-31.1, Washington, DC 20585, 301 903-4669

**RIN:** 1901-AA44

**DEPARTMENT OF ENERGY (DOE)**

**Departmental and Others (ENDEP)**

**Proposed Rule Stage**

**892. ELECTRIC POWER SYSTEM PERMITS AND REPORTS; APPLICATIONS; ADMINISTRATIVE PROCEDURES AND SANCTIONS**

**Legal Authority:** PL 95-91; PL 88-280; EO 12038

**CFR Citation:** 10 CFR 205

**Legal Deadline:** None

**Abstract:** These regulations will streamline the existing procedures for applying to the DOE for Presidential

permits and electricity export authorizations. This will result from eliminating the use of FERC "trial-type" procedures and establishing a less adversarial process of decisionmaking. These regulations will establish the fact that DOE's decisional criterion is only electric reliability and not the economic or commercial viability of projects.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer



## DOE—ENDEP

## Proposed Rule Stage

any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Ellen Russell, Fuels Conversion Analyst, (FE-52), Office of Coal and Electricity, Department of Energy, Room 3F-094, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9624

**RIN:** 1901-AA19

### 893. PROCEDURES FOR IMPLEMENTING THE EQUAL ACCESS TO JUSTICE ACT IN ENERGY BOARD OF CONTRACT APPEALS PROCEEDINGS

**Legal Authority:** PL 95-91, title VI, sec 644; 5 USC 504

**CFR Citation:** 10 CFR 1023

**Legal Deadline:** None

**Abstract:** Procedures are necessary to implement the Equal Access to Justice Act for proceedings before the Energy Board of Contract Appeals.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** E. Barclay Van Doren, Chair, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax Dr., Rm. 1006, Arlington, VA 22203, 703 235-2700

**RIN:** 1901-AA22

### 894. 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 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 rule would 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	05/00/93	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** This regulatory agenda item was previously under RIN: 1903-AA07 under the same title. This item was deleted from the agenda on August 8, 1989.

**TIMETABLE CONT:** The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Clifford P. Tomaszewski, Director, Office of Natural Gas (FE-50), Office of Fossil Energy, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9482

**RIN:** 1901-AA25

### 895. ENVIRONMENTAL RESTORATION MANAGEMENT CONTRACTOR

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 2011 et seq, The Atomic Energy Act of 1954

**CFR Citation:** Not applicable

**Legal Deadline:** None

**Abstract:** This action addresses the problem of the Department's management and operating contractors not being uniformly qualified to perform environmental restoration (ER) work, and involves contract initiatives. The Department has published a notice of intent to develop an environmental restoration alternate business strategy (55 FR 45843, October 31, 1990). This strategy calls for an Environmental Restoration Management Contractor (ERMC) to assist DOE in managing all the environmental restoration work at each DOE Field Office. A pilot phase program is planned starting with the

Fernald Environmental Management Project and followed by the Hanford Site/Richland Field Office. An ERMC at each site will have responsibility for managing ER work. The benefits of such a contract initiative include promoting specialized expertise in cleanup rather than national defense activities; reducing cleanup costs and expediting environmental restoration; and promoting the application of innovative technologies in cleanup work. The Department selected an ERMC for the Fernald site on August 5, 1992. The Fernald ERMC will start initial work at the site during a transition period that began (cont)

**Timetable:**

Action	Date	FR Cite
Final RFP	05/08/92	
<b>Fernald</b>		
Draft RFP	07/29/91	(56 FR 34057)
Draft RFP Comment Period End	08/30/91	(56 FR 34057)
Final RFP	12/23/91	
Establish the ERMC	08/05/92	
<b>Richland</b>		
Establish the ERMC (See Add'l Info)	02/02/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** ABSTRACT CONT: on September 1, 1992, and will assume full contract responsibilities on December 1, 1992. At the Hanford site, a request for proposals was issued on May 8, 1992, and selection of an ERMC is targeted for February 2, 1993.

**Agency Contact:** Roger P. Whitfield, Associate Director, Office of Environmental Restoration, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-6331

**RIN:** 1901-AA29

### 896. ENERGY BOARD OF CONTRACT APPEALS RULES OF PRACTICE

**Legal Authority:** 41 USC 601 et seq

**CFR Citation:** 10 CFR 1023

**Legal Deadline:** None

**Abstract:** Update the rules of practice of the Energy Board of Contract Appeals to provide for Alternative



## DOE—ENDEP

## Proposed Rule Stage

Dispute Resolution (ADR) and for other purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** E. Barclay Van Doren, Chair, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax Drive, Rm 1006, Arlington, VA 22203, 703 235-2700

**RIN:** 1901-AA30

### 897. RULES OF PRACTICE TO GOVERN PROCEEDINGS TO RESOLVE CERTAIN DISPUTES ARISING BETWEEN M&O CONTRACTORS AND THEIR SUBCONTRACTORS

**Legal Authority:** PL 95-91, title VI, sec 644; PL 83-703, sec 161; 9 USC 1 to 14; 48 CFR 970

**CFR Citation:** 10 CFR 1023

**Legal Deadline:** None

**Abstract:** Procedures are necessary to resolve certain disputes arising between DOE M&O contractors and their subcontractors.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** E. Barclay Van Doren, Chair, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax Drive, Rm. 1006, Arlington, VA 22203, 703 235-2700

**RIN:** 1901-AA31

### 898. RENEGOTIATION OF POWER SALES CONTRACTS

**Legal Authority:** 16 USC 839(c)

**CFR Citation:** Not applicable

**Legal Deadline:** None

**Abstract:** The Bonneville Power Administration will begin a multi-year process of renegotiation of its Power Sales Contracts. In preparation for that, BPA is considering issuing a Notice in the Federal Register which would explain to BPA's customers the renegotiation process.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Thomas Miller, Attorney/OGC, Department of Energy, Bonneville Power Administration, Portland, Oregon 97208-3621, 503 230-4201

**RIN:** 1901-AA36

### 899. PREFERENCE POLICY FOR CERTAIN SALES OF POWER UNDER THE NORTHWEST POWER ACT

**Legal Authority:** 16 USC 839c(f); 16 USC 837(b)

**CFR Citation:** Not applicable

**Legal Deadline:** None

**Abstract:** Section 5(f) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), Pub. L. 96-501, provides that the Bonneville Power Administration (BPA) may sell or otherwise dispose of power which is surplus to the obligations of the Administrator under sections 5(b), (c), and (d) in accordance with that Act and other applicable provisions of the statute. Section 9(c) of the Northwest Power Act and the Act of August 31, 1964, Pub. L. 88-552 (the Northwest Preference Act), provide that the BPA may only sell power outside the Pacific Northwest that is surplus energy or capacity as defined in those Acts. Surplus energy or capacity is defined as energy or capacity for which there is no market or demand in the Pacific Northwest at rates established for the disposition of such energy or capacity. In February 1990, BPA published for comment a proposal for adoption of policy and procedures for sales of

surplus power. To complete its effort to establish a formal policy on the disposal of this power, BPA intends to issue in the Federal Register a Notice of Response to Comments on Issues to be Addressed in establishing a Preference Policy, as well as a Notice of Draft Policy (cont)

**Timetable:**

Action	Date	FR Cite
ANPRM	02/23/90	55 FR 6420
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: and a Final Policy.

**TIMETABLE CONT:** The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Thomas Miller, Attorney/OGC, Department of Energy, Bonneville Power Administration, Portland, Oregon 97208-3621, 503 230-4201

**RIN:** 1901-AA37

### 900. RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 2201; 42 USC 7191

**CFR Citation:** 10 CFR 834

**Legal Deadline:** None

**Abstract:** The Department of Energy (DOE) proposes the addition of a new part to its regulations establishing a body of rules for DOE contractor and subcontractor activities that will form the basic requirements for ensuring radiation protection of the public and environment at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health, safety, and the environment from the nuclear, radiological, and chemical hazards posed by these DOE facilities. The new part provides radiation protection requirements for the public and environment for DOE and DOE contractor operations. Major elements of the regulation include a dose limitation system for protection of the public; requirements for liquid discharges; reporting and monitoring



## DOE—ENDEP

## Proposed Rule Stage

requirements; and residual radioactive material requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Andrew Wallo, III, Director, Air, Water and Radiation Div. (EH-232), Office of Environmental Guidance, Department of Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-4996

**RIN:** 1901-AA38

**901. NUCLEAR SAFETY MANAGEMENT: PHASE II**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 2201; 42 USC 7191

**CFR Citation:** 10 CFR 830

**Legal Deadline:** None

**Abstract:** This action would make additions to DOE's regulation 10 CFR 830 establishing a body of rules for DOE contractor and subcontractor activities that will form the basic requirement for ensuring nuclear safety at DOE facilities. These requirements stem from DOE's ongoing effort to strengthen the protection of health, safety and the environment from the nuclear radiological and chemical hazards posed by these facilities. Among other matters, the Phase II rules relate to safety concern management; reactor design criteria; seismic and environmental qualifications; fire protection; personnel training;

emergency preparedness; safety responsibility; and contractor oversight.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Stephen Stern, Nuclear Safety Policy Division (NE-72), Office of Nuclear Safety Policy & Standards, Department of Energy, 1000 Independence Ave. SW., Washington, DC. 20585, 301 903-2527

**RIN:** 1901-AA26

## DEPARTMENT OF ENERGY (DOE)

## Departmental and Others (ENDEP)

## Final Rule Stage

**902. PROCEDURAL RULES FOR DOE NUCLEAR ACTIVITIES**

**Significance:** Regulatory Program

**Legal Authority:** PL 100-408; 42 USC 2201; 42 USC 7191; 42 USC 2282a; 42 USC 2273(c)

**CFR Citation:** 10 CFR 820

**Legal Deadline:** None

**Abstract:** The Price-Anderson Amendments Act (PAAA) of 1988 contains provisions subjecting DOE contractors (and subcontractors and suppliers thereto) who are indemnified under the PAAA, to penalties for violations of nuclear safety rules, regulations, or orders issued by the Department. The Secretary has authority to compromise, modify, or remit penalties and to prescribe regulations as necessary. The Secretary is required to determine by rule whether nonprofit educational institutions should receive automatic remission of civil penalties. The penalty provisions of the PAAA are directed toward assuring compliance with DOE nuclear safety requirements through the use of monetary penalties. These regulations implement the penalty

provisions of the Act and will include, as an appendix, a General Statement of Enforcement Policy.

**Timetable:**

Action	Date	FR Cite
Notice of Inquiry	09/21/89	54 FR 38865
NPRM	12/09/91	56 FR 64290
Public Hearing	01/09/92	57 FR 855
NPRM Comment Period End	03/25/92	57 FR 855
Notice of Clarification-Clarify Definition of DOE Nuclear Safety Requirements	05/15/92	57 FR 20796
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** TIMETABLE CONT: The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.

**Agency Contact:** Richard L. Black, Director (NS-30) Enforcement Division,

Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, 301 427-1692

**RIN:** 1901-AA26

**903. FREEDOM OF INFORMATION**

**Legal Authority:** 5 USC 552

**CFR Citation:** 10 CFR 1004

**Legal Deadline:** None

**Abstract:** This rule will revise the DOE regulations on the procedures and principles to be applied in responding to requests for records under the Freedom of Information Act (FOIA) 5 USC 552. Revisions include updated names and addresses of organizational entities, and updated guidelines for the schedule of fees associated with processing requests. A proposed section on policies would clarify DOE's operation of a first-in, first-out policy in responding to FOIA requests. The issue of when contractor records become agency records also will be resolved in the new rule. The role of the Office of Hearings and Appeals is clarified.



## DOE—ENDEP

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	10/23/91	56 FR 55036
NPRM Comment Period End	11/22/91	56 FR 55036
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** All

**Additional Information: TIMETABLE**  
CONT: The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.

**Agency Contact:** Denise Diggin, Chief of FOI/PA (AD-621), Office of Administration and Human Resource Mgmt., Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-6025

**RIN:** 1901-AA32

#### 904. PROCEDURES FOR FINANCIAL ASSISTANCE APPEALS BEFORE THE ENERGY FINANCIAL ASSISTANCE APPEALS BOARD

**Legal Authority:** 42 USC 7101 et seq; 41 USC 501 to 509

**CFR Citation:** 10 CFR 1024

**Legal Deadline:** None

**Abstract:** To amend the Procedures for Financial Assistance Appeals to resolve inconsistencies in language between sec. 1024.3(c) and Rule 1(a) for filing a notice of appeal.

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/92	57 FR 3364
NPRM Comment Period End	02/28/92	57 FR 3364
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information: TIMETABLE**  
CONT: The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.

**Agency Contact:** E. Barclay Van Doren, Chair, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax

Drive, Rm. 1006, Arlington, VA 22203, 703 235-2700

**RIN:** 1901-AA33

#### 905. NUCLEAR SAFETY MANAGEMENT

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 2201; 42 USC 7191

**CFR Citation:** 10 CFR 830

**Legal Deadline:** None

**Abstract:** The Department of Energy (DOE) proposes the addition of a new part to its regulations establishing a body of rules for DOE contractor and subcontractor activities that will form the basic requirements for ensuring nuclear safety at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health, safety, and the environment from the nuclear, radiological, and chemical hazards posed by these DOE facilities. The requirements relate to (1) Safety Analysis Reports, (2) Unreviewed Safety Questions, (3) Quality Assurance, (4) Defect Identification, (5) Conduct of Operations, (6) Technical Safety Requirements, (7) Training, (8) Maintenance Management, and (9) Reporting Operational Occurrences.

**Timetable:**

Action	Date	FR Cite
NPRM	12/09/91	56 FR 64316
NPRM Comment Period End	03/25/92	57 FR 855
Final Action	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information: TIMETABLE**  
CONT: The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.

**Agency Contact:** Stephen Stern, Nuclear Safety Policy Division, (NE-72), Office of Nuclear Safety Policy & Standards, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, 301 903-2527

**RIN:** 1901-AA34

#### 906. RADIATION PROTECTION FOR OCCUPATIONAL WORKERS

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 2201; 42 USC 7191

**CFR Citation:** 10 CFR 835

**Legal Deadline:** None

**Abstract:** The Department of Energy (DOE) proposes the addition of a new part to its regulations establishing a body of rules for DOE contractor and subcontractor activities that will form the basic requirements for ensuring radiation protection of the occupational worker at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health and safety from the nuclear and radiological hazards posed by these DOE facilities. The new part provides radiation protection requirements for the occupational workers for DOE and DOE contractor operations. Major elements of the regulation include increased emphasis on as low as reasonably achievable (ALARA) exposure limits for the protection of workers and requirements for a written Radiation Protection Program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/09/91	56 FR 64344
NPRM Comment Period End	03/25/92	57 FR 855
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information: TIMETABLE**  
CONT: The indicated Final Action falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.

**Agency Contact:** R. Thomas Bell or Anthony A. Weadock, Health Physicist (EH-411), Health Physics Programs Division, Department of Energy, 19901 Germantown Rd., Germantown, MD. 20874, 301 903-3889

**RIN:** 1901-AA39



DOE—ENDEP

Final Rule Stage

**907. ● POLICY TO IMPLEMENT SECTION 6(C) OF THE NORTHWEST POWER ACT**

**Legal Authority:** 16 USC 839d; Pacific Northwest Electric Power Planning & Cons. Act, sec 6(c)

**CFR Citation:** Not applicable

**Legal Deadline:** None

**Abstract:** Under section 6(c) of the Northwest Power Act, if Bonneville acquires a major resource, Bonneville must hold a hearing to determine if the acquisition is consistent with the Northwest Power Planning Council's Energy Plan. Five years ago Bonneville

and the Council issued a "6(c) policy" which established a basis for holding a 6(c) hearing and the procedures to be used during the hearing. In the policy, Bonneville stated it would reevaluate the policy no less than every 5 years.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/92	57 FR 37792
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** TIMETABLE CONT: The indicated NPRM date was

subject to the President's moratorium on regulatory initiatives. DOE obtained an exception from OMB prior to publishing the NPRM.

The indicated Final Action date also falls within the moratorium. DOE will either obtain an exception or defer any issuance of the Final Action until the moratorium expires.

**Agency Contact:** Phyllis Evans, Public Utilities Specialist (APG), Department of Energy, P.O. Box 3621, Portland, OR 97208, 503 230-5341

**RIN:** 1901-AA43

**DEPARTMENT OF ENERGY (DOE) Departmental and Others (ENDEP)**

Completed Actions

**908. NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 4321 et seq; EO 11991; EO 11514

**CFR Citation:** 40 CFR 1500 to 1508; 10 CFR 1021

**Legal Deadline:** None

**Abstract:** The regulations provide procedures for agency compliance with the National Environmental Policy Act (NEPA). The regulations supplement the Council on Environmental Quality (CEQ) regulations, 40 CFR parts 1500-1508, which apply to all Federal agencies. In accordance with 40 CFR 1507.3, DOE has completed consultation with CEQ. The regulations apply to all organizational units of DOE except the Federal Energy Regulatory Commission.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/90	55 FR 46444
NPRM Comment Period End	12/17/90	
Final Action	04/24/92	57 FR 15122
Final Action Effective	05/26/92	57 FR 15122

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:**

TIMETABLE CONT: On March 23, 1992, DOE obtained an exception from OMB to issue the final rule during the initial 90-day moratorium on regulatory initiatives.

**Agency Contact:** Carol M. Borgstrom, Director, Office of NEPA Oversight, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-4600

**RIN:** 1901-AA20

**909. PERMITS FOR ACCESS TO RESTRICTED DATA: ATOMIC VAPOR LASER ISOTOPE SEPARATION (U-AVLIS) URANIUM ENRICHMENT**

**Legal Authority:** 42 USC 2201

**CFR Citation:** 10 CFR 725

**Legal Deadline:** None

**Abstract:** The rulemaking would update category C-24 access permits to include the U-AVLIS technology and provide for an applicant qualifying for a permit to pay \$100,000 for an access permit authorizing access to Restricted Data in subcategory A or \$200,000 for an access permit authorizing access to Restricted Data in subcategory B. The rule is related to Government initiation of an industrial participation program to encourage private sector participation in the Government's uranium enrichment enterprise. The Department is considering terminating this action.

**Timetable:**

Action	Date	FR Cite
NPRM	04/23/90	55 FR 15237
NPRM Comment Period End	06/22/90	55 FR 15238

**Action**

Action	Date	FR Cite
Withdrawn - Funds discontinued for activities requiring access permits	08/15/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This action has been postponed until FY 1993.

**Agency Contact:** Norman Haberman, Director, Advanced Tech. Projects and Tech. Transfer (NE-35), Department of Energy, Room A-257, Washington, DC 20545, 301 903-4781

**RIN:** 1901-AA23

**910. ENVIRONMENTAL RESTORATION MANAGEMENT CONTRACTOR****Completed:**

Reason	Date	FR Cite
Duplicate of RIN 1901-AA29	05/20/92	

**RIN:** 1901-AA40

**911. ● THE OFFICE OF ENERGY RESEARCH FINANCIAL ASSISTANCE PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 2051; 42 USC 5817; 42 USC 5901 et seq; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

**CFR Citation:** 10 CFR 605

**Legal Deadline:** None



## DOE—ENDEP

## Completed Actions

**Abstract:** Action taken to streamline, make uniform, and reduce Federal Financial Assistance requirements, yet continue to provide stewardship controls for research, training, and related activities of the Office of Energy Research.

The final rule was issued August 27, 1992. This action was a DOE initiative in implementing the President's regulatory review program.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/92	57 FR 28137
Second NPRM	07/08/92	57 FR 30171
Final Action	09/03/92	57 FR 40582
Final Action Effective	10/01/92	57 FR 40582

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Robert A. Zich, Director, Acquisition and Assistance Management Division, Department of Energy, Office of Energy Research (ER-84), 1000 Independence Avenue SW., Washington, DC 20585, 301 903-5544

**RIN:** 1901-AA45

### 912. ● ELIMINATION OF 10 CFR PART 1001 AND CERTAIN SECTIONS OF PART 205

**Significance:** Agency Priority

**Legal Authority:** 42 USC 7101 et seq Department of Energy Organization Act; 15 USC 751 et seq Emergency Petroleum Allocation Act of 1973

**CFR Citation:** 10 CFR 1001; 10 CFR 205.90 to 205.98; 10 CFR 205.191; 10 CFR 205.199D; 10 CFR 205.199E

**Legal Deadline:** None

**Abstract:** These regulations related primarily to procedures for the issuance of Notices of Probable Violations, Interim Remedial Orders for Immediate Compliance, Notice of Proposed Disallowance, Proposed Orders of Disallowance, and Orders of Disallowance, and with other proceedings relating to applications and

petitions, pursuant to the Emergency Petroleum Allocation Act of 1973.

These regulations were eliminated because the statutory predicate for each regulation had previously expired by its terms or been expressly or effectively rescinded or superseded by subsequent legislation. For essentially the same reasons, DOE determined that these rule eliminations did not require prior public comment. The final rule was issued and effective on June 5, 1992.

This action was DOE initiative in implementing the President's regulatory review program.

**Timetable:**

Action	Date	FR Cite
Final Action	06/05/92	57 FR 23929
Final Action Effective	06/05/92	57 FR 23929

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert A. Perrygo, Director, Management Systems Division, Department of Energy, Economic Regulatory Administration (RG-12), 1000 Independence Avenue SW., Washington, DC 20585, 202 586-9563

**RIN:** 1901-AA46

### 913. ● ELIMINATION OF 10 CFR PART 595, "CERTIFICATION OF USE OF NATURAL GAS TO DISPLACE FUEL OIL"

**Significance:** Agency Priority

**Legal Authority:** 42 USC 7112(3); 42 USC 7112(8); 42 USC 7191(e); 42 USC 7254

**CFR Citation:** 10 CFR 595

**Legal Deadline:** None

**Abstract:** On June 1, 1992, DOE transmitted to the Federal Register for publication a final rule by means of which it eliminated 10 CFR part 595, "Certification of Use of Natural Gas to Displace Fuel Oil," because the program which required the use of the part 595 procedures was itself eliminated in 1983. The part 595 regulations, however, inadvertently were not removed from the Code of Federal Regulations at that time. This correction was one action in implementing the President's regulatory review program.

**Timetable:**

Action	Date	FR Cite
Final Action	06/04/92	57 FR 23523
Final Action Effective	06/04/92	57 FR 23523

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** TIMETABLE CONT: DOE determined that this rule elimination did not require prior public comment because the part 595 regulations became unused in 1983 but inadvertently were not removed from the Code of Federal Regulations at that time. For essentially the same reasons, this notice of rule rescission was effective upon publication.

**Agency Contact:** Keith N. Frye (FE-13), Department of Energy, Washington, DC 20585, 301 903-2644

**RIN:** 1901-AA47

### 914. ● ELIMINATION OF 10 CFR PARTS 220, 300, AND 320

**Significance:** Agency Priority

**Legal Authority:** 42 USC 7112(3); 42 USC 7112(8); 42 USC 7191(e); 42 USC 7254

**CFR Citation:** 10 CFR 220; 10 CFR 300; 10 CFR 320

**Legal Deadline:** None

**Abstract:** On August 17, 1992, DOE published final rules to: eliminate 10 CFR part 220, entitled "Strategic Petroleum Reserve Crude Oil Allocation"; eliminate 10 CFR part 300, entitled "Coal Loan Guarantee Program"; and eliminate 10 CFR part 320, entitled "University Coal Research Laboratories Program." DOE had proposed these eliminations because it no longer perceived a need for the regulations. DOE received no comments on the proposed rescissions. This action was a DOE initiative in implementing the President's regulatory review program.

**Timetable:**

Action	Date	FR Cite
NPRM	06/19/92	57 FR 27395
NPRM Comment Period End	07/19/92	57 FR 27395
Final Action	08/17/92	57 FR 36890
Final Action Effective	08/17/92	57 FR 36890

**Small Entities Affected:** None

**Government Levels Affected:** None



## DOE—ENDEP

## Completed Actions

**Additional Information:** TIMETABLE  
CONT: DOE determined it was appropriate to make these final rules effective upon publication, both

because DOE no longer perceived a need for the regulations and because DOE received no comments on the proposed rescissions.

**Agency Contact:** Keith N. Frye (FE-13),  
Department of Energy, Washington, DC  
20585, 301 903-2644  
**RIN:** 1901-AA48

## DEPARTMENT OF ENERGY (DOE)

## Proposed Rule Stage

## Office of Procurement, Assistance and Program Management (PR)

## 915. DEAR: PATENT POLICY REVISIONS

**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 (DEAR), promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has 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	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** TIMETABLE  
CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Robert M. Webb,  
Procurement Analyst, Department of  
Energy, Office of Procurement,  
Assistance and Program Management,  
1000 Independence Ave. SW.,  
Washington, DC 20585, 202 586-8264

**RIN:** 1991-AA23

## 916. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATIONS: MANAGEMENT OF MOTOR EQUIPMENT

**Legal Authority:** 42 USC 7254

**CFR Citation:** 41 CFR 109

**Legal Deadline:** None

**Abstract:** Updates the Property Management Regulations regarding management of motor equipment, including motor vehicles, aircraft, and watercraft.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** TIMETABLE  
CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Robert Wilson,  
Supply Management Representative,  
Department of Energy, Office of  
Procurement, Assistance and Program  
Management, 1000 Independence Ave.  
SW., Washington, DC 20585, 202 586-  
8260

**RIN:** 1991-AA28

## 917. DEAR: MISCELLANEOUS CHANGES ON ACQUISITION OF MOTOR EQUIPMENT

**Legal Authority:** 42 USC 7254

**CFR Citation:** 48 CFR 908; 48 CFR 970;  
48 CFR 945

**Legal Deadline:** None

**Abstract:** To provide additional, and to revise current, policy guidance in the Department of Energy Acquisition Regulation (DEAR) on the acquisition of personal property in the areas of motor equipment management including motor vehicles and aircraft.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** TIMETABLE  
CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Robert Wilson,  
Supply Management Representative,  
Department of Energy, Office of  
Procurement, Assistance and Program  
Management, 1000 Independence Ave.  
SW., Washington, DC 20585, 202 586-  
8260

**RIN:** 1991-AA32

## 918. RESOLUTION OF DISPUTES BETWEEN SUBCONTRACTORS AND DOE MANAGEMENT AND OPERATING CONTRACTORS

**Legal Authority:** 42 USC 7254; 40 USC  
486(c)

**CFR Citation:** 48 CFR 970

**Legal Deadline:** None

**Abstract:** Establishes a system, by regulation, to allow subcontractors under DOE Management and Operating contracts access in certain circumstances to the Energy Board of Contract Appeals in resolution of disputes with the contractor. Also clarifies that DOE Contracting Officers lack authority to designate Management and Operating contractors as purchasing agents for DOE absent special authorization.



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**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8264

**RIN:** 1991-AA44

**919. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS AMENDMENTS #3**

**Legal Authority:** 42 USC 7254; 42 USC 486(c)

**CFR Citation:** 48 CFR 901; 48 CFR 952; 48 CFR 970

**Legal Deadline:** None

**Abstract:** Miscellaneous Amendments - It is anticipated that these amendments will update the regulation at Part 901 (Federal Acquisition Regulatory System) to assure its conformity to the Federal Acquisition Regulation and will update Part 952 (Contract Clauses) and Part 970 (Management and Operating Contracts) to further refine the applicability of certain clauses to management and operating subcontracts.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Kevin Smith, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8189

**RIN:** 1991-AA60

**920. TECHNOLOGY TRANSFER: DOE MANAGEMENT AND OPERATING CONTRACTORS**

**Legal Authority:** PL 101-189, sec 3133; 42 USC 7256(a)

**CFR Citation:** 48 CFR 970

**Legal Deadline:** None

**Abstract:** Public Law 101-189 amended the Stevenson-Wydler Technology Innovation Act to include DOE management and operating laboratories. Consistent with DOE's Technology Transfer mission, DOE will also authorize the conduct of certain technology transfer activities at its non-laboratory facilities operated by M&O contractors. DOE will need to amend DEAR 970 to standardize the implementation of its technology transfer program.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Howard K. Mitchell, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management,

1000 Independence Ave. SW., Washington, DC 20585, 202 586-8190

**RIN:** 1991-AA63

**921. DEBARMENT AND SUSPENSION**

**Legal Authority:** EO 12889

**CFR Citation:** 10 CFR 1035; 10 CFR 1036

**Legal Deadline:** None

**Abstract:** This conforms procurement debarment procedures and nonprocurement debarment procedures to have reciprocal governmentwide effect.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Janet Smith, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-9074

**RIN:** 1991-AA69

**922. DEAR: MAJOR FRAUD ACT**

**Legal Authority:** 41 USC 2201; 42 USC 7254; PL 100-700, Major Fraud Act of 1988

**CFR Citation:** 48 CFR 970

**Legal Deadline:** None

**Abstract:** To implement the Major Fraud Act of 1988 with regard to the allowability of a Management and Operating contractor's costs incurred in connection with a criminal, civil or administrative proceeding and to otherwise limit DOE reimbursements of such costs.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no



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statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** On or about July 2, 1992, a request to publish during the moratorium was submitted to OMB. That request is still pending.

**Agency Contact:** Gwendolyn S. Cowan, Director, Business and Financial Policy Division, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8173

**RIN:** 1991-AA73

### 923. PERSONNEL APPENDICES AND EMPLOYEE RELOCATION UNDER MANAGEMENT AND OPERATING CONTRACTS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 7254

**CFR Citation:** 48 CFR 970 to 3101; 48 CFR 970 to 3102

**Legal Deadline:** None

**Abstract:** The rulemaking will (1) establish one basic method -- the personnel appendix -- for recording advance understandings on personnel costs, (2) clarify that only those personnel policies and associated costs which are set forth in the personnel appendix are reimbursable under the contract, (3) make allowable contractors dependent care programs which meet DOE criteria and the contractor's workforce needs, (4) allow reimbursement to contractor employees for tax liabilities incurred as a result of relocating at DOE direction, and (5) clarify provisions on allowable contractor pension costs and describe the Department's contractor pension funding policy. The rule will enhance control over contractor personnel relocation costs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception for OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Eric Tolmach, Director, Program Analysis & Evaluation Division, Office of Contractor Human Resource Mgmt., Department of Energy, Office of Procurement, Assistance and Program Management, Room 4H-023, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9032

**RIN:** 1991-AA80

### 924. ACQUISITION OF FEDERAL INFORMATION RESOURCES BY CONTRACT

**Legal Authority:** 40 USC 486(c); 42 USC 7101

**CFR Citation:** 48 CFR 939; 48 CFR 970.39

**Legal Deadline:** None

**Abstract:** Provides procedures governing acquisition of Federal information processing resources by contract.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB to defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** E. Simpson, Policy Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., PR-121, Washington, DC 20585, 202 586-8247

**RIN:** 1991-AA81

### 925. USE OF COMMERCE BUSINESS DAILY

**Legal Authority:** 42 USC 7101

**CFR Citation:** 48 CFR 970

**Legal Deadline:** None

**Abstract:** Require management and operating contractors to use Commerce Business Daily to publicize subcontract opportunities exceeding \$100,000.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Richard Langston, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., PR-121, Washington, DC 20585, 202 586-8247

**RIN:** 1991-AA84

### 926. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

**Legal Authority:** 42 USC 7254; 42 USC 7256

**CFR Citation:** 10 CFR 600, subpart E

**Legal Deadline:** None

**Abstract:** This rulemaking modifies the governmentwide Common rule pertaining to administrative requirements for grants and cooperative agreements to States, local governments and Indian tribes. The rule was first published in 1988 and this revision updates some provisions of the rule and changes others to address issues that have been raised.



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**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Local, State**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information: TIMETABLE CONT:** The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.**Agency Contact:** Edward Sharp, Procurement Analyst (PR-122), Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8192**RIN:** 1991-AA85**927. DEAR: SECURITY PROCEDURES****Legal Authority:** 42 USC 7254**CFR Citation:** 48 CFR 904; 48 CFR 952**Legal Deadline:** None**Abstract:** Revise security procedures regarding foreign ownership, control and influence to clarify requirements and simplify approval process.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.**Additional Information: TIMETABLE CONT:** The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.**Agency Contact:** Richard Langston, Procurement Analyst - PR-121, Department of Energy, Office of

Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8247

**RIN:** 1991-AA86**928. DEAR: IMPLEMENTATION OF THE NCTTA****Legal Authority:** PL 101-189; 42 USC 7254**CFR Citation:** 48 CFR 915; 48 CFR 917; 48 CFR 935; 48 CFR 952**Legal Deadline:** None**Abstract:** Implementation of the National Competitiveness Technology Transfer Act of 1989 (NCTTA) will require amendment of the DEAR to, among other things, provide procedures, a solicitation provision and a contract clause requiring awardees to propose steps to enhance U.S. competitiveness and the U.S. economy.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information: TIMETABLE CONT:** The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.**Agency Contact:** Howard K. Mitchell, Procurement Analyst (PR-122), Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8190**RIN:** 1991-AA87**929. DEAR: M&O WORK AUTHORIZATION AND CONTROL SYSTEM****Legal Authority:** 42 USC 7254; 40 USC 486(c)**CFR Citation:** 48 CFR 970.10; 48 CFR 970.52**Legal Deadline:** None**Abstract:** Amend the DEAR to require management and operating contracts to utilize an improved contract work authorization and control system.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information: TIMETABLE CONT:** The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.**Agency Contact:** Richard B. Langston, Procurement Analyst (PR-121), Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8247**RIN:** 1991-AA91**930. DEAR: MISCELLANEOUS AMENDMENTS #3****Legal Authority:** 40 USC 486(c); 42 USC 7254**CFR Citation:** 48 CFR 901; 48 CFR 905; 48 CFR 915; 48 CFR 952; 48 CFR 970**Legal Deadline:** None**Abstract:** Amend the DEAR to update cross references revise organizational references, reflect changes in other regulations and other such miscellaneous revisions.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Undetermined**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information: TIMETABLE CONT:** The indicated NPRM date falls



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Proposed Rule Stage

within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Richard B. Langston, Procurement Analyst (PR-121), Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8247

RIN: 1991-AA92

### 931. ● DEAR: PROJECT CONTROL SYSTEM

**Legal Authority:** 42 USC 7254; 40 USC 486(c)

**CFR Citation:** 48 CFR 952.212-73

**Legal Deadline:** None

**Abstract:** Amend the Department of Energy Acquisition Regulation (DEAR) to require contractors performing project work to have project control system in place which meets the requirements set forth in DOE Notice 4700, Project Control System Guidelines.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** TIMETABLE  
CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB to defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Pete Devlin, Management Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-4509

RIN: 1991-AA93

## DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

### Office of Procurement, Assistance and Program Management (PR)

### 932. DEPARTMENT OF ENERGY ACQUISITION REGULATION: ENVIRONMENTAL, SAFETY, AND HEALTH REQUIREMENTS

**Legal Authority:** 42 USC 7254; 40 USC 486(c)

**CFR Citation:** 48 CFR 916; 48 CFR 970

**Legal Deadline:** None

**Abstract:** The Department of Energy is proposing to amend the Department of Energy Acquisition Regulation to clarify and emphasize environmental protection, safety, and health requirements for contractors.

#### Timetable:

Action	Date	FR Cite
NPRM	08/28/91	56 FR 42584
NPRM Comment Period End	09/27/91	56 FR 42584
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** TIMETABLE  
CONT: The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or

defer any issuance of the Final Action until the moratorium expires.

**Agency Contact:** P. Devers Weaver, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8250

RIN: 1991-AA53

### 933. NEW RESTRICTIONS ON LOBBYING

**Significance:** Regulatory Program

**Legal Authority:** PL 101-121, sec 319

**CFR Citation:** 10 CFR 1036

**Legal Deadline:** None

**Abstract:** The Department will join 28 other Executive agencies in issuing a final common rule for the purpose of implementing new statutory prohibitions and disclosure requirements with regard to certain influencing activities.

#### Timetable:

Action	Date	FR Cite
OMB Interim Final Guidance	12/20/89	54 FR 52306
Interim Final Rule	02/26/90	55 FR 6736
Further OMB Guidance	06/15/90	55 FR 24540

Action	Date	FR Cite
Further OMB Guidance	01/15/92	57 FR 1772

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Howard K. Mitchell, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8190

RIN: 1991-AA64

### 934. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MANAGEMENT AND OPERATING CONTRACTORS AND FACILITY MANAGEMENT DIRECTIVES

**Legal Authority:** 42 USC 7254 et seq

**CFR Citation:** 48 CFR 970

**Legal Deadline:** None

**Abstract:** The purpose of this action is to specify that DOE management and operating contractors will comply with applicable DOE directives when performing facility management duties.



DOE—PR

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/91	56 FR 43576
NPRM Comment Period End	10/03/91	56 FR 43576
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** TIMETABLE CONT: The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.**Agency Contact:** Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8247**RIN:** 1991-AA67**935. DEAR: CONTRACTOR EMPLOYEE PROTECTION PROGRAM****Significance:** Regulatory Program**Legal Authority:** 42 USC 2012 et seq, Atomic Energy Act of 1954; 42 USC 5801 et seq, Energy Reorganization Act of 1974; 42 USC 7101 et seq, DOE Organization Act**CFR Citation:** 48 CFR 922; 48 CFR 952; 48 CFR 970**Legal Deadline:** None**Abstract:** This rule will conform the DOE Acquisition Regulation (DEAR) to 10 CFR part 708. Employees of contractors at DOE nuclear energy facilities should be able to provide information to DOE, the Congress, and certain contractors concerning violations of law, health, and safety, or matters involving gross mismanagement, waste, fraud or abuse without fear of reprisal. Part 708 establishes a procedure for investigation, hearing, and review of allegations of reprisal for such disclosures. The final rule for part 708 was published in the Federal Register on April 2, 1992.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** This proposal will be based upon the final rule in RIN 1991-AA68, Criteria and Procedures for DOE Contractor Employee Protection Program.**TIMETABLE CONT:** The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.**Agency Contact:** P. Devers Weaver, Procurement Analyst (PR-12), Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8250**RIN:** 1991-AA75**936. RESEARCH OPPORTUNITY ANNOUNCEMENTS****Legal Authority:** 42 USC 7101**CFR Citation:** 48 CFR 935**Legal Deadline:** None**Abstract:** To refine the research opportunity announcement process of soliciting and awarding research projects based upon lessons learned during the first annual review and award cycle.**Timetable:**

Action	Date	FR Cite
NPRM	11/06/91	56 FR 56621
NPRM Comment Period End	12/06/91	56 FR 56621
Final Action	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** TIMETABLE

CONT: The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.

**Agency Contact:** E. Simpson, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, PR-121, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8247**RIN:** 1991-AA82**937. PROTECTIVE SERVICES AND CONTINUITY OF OPERATION****Legal Authority:** 41 USC 401; 42 USC 7101**CFR Citation:** 48 CFR 937.70**Legal Deadline:** None**Abstract:** Require labor and management to seek means other than strike or lockout to assure continuity of facility operation under contracts for protective services.**Timetable:**

Action	Date	FR Cite
NPRM	08/12/91	56 FR 38096
NPRM Comment Period End	09/11/91	56 FR 38096
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** TIMETABLE CONT: The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.**Agency Contact:** Richard Langston, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., PR-121, Washington, DC 20585, 202 586-8247**RIN:** 1991-AA83



DOE—PR

Final Rule Stage

**938. AMENDMENT TO WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES****Significance:** Regulatory Program**Legal Authority:** 42 USC 2012 et seq Atomic Energy Act of 1954**CFR Citation:** 10 CFR 707**Legal Deadline:** None

**Abstract:** This action will amend the Department's rule governing the use of illegal drugs at DOE sites to ensure that substance abuse programs include provisions that also address misuse and abuse of alcohol. DOE expects to mitigate the potential for harm to the environment and to the public health and safety at DOE sites by contractor employees and other individuals

performing health or safety sensitive functions. Cost incurred will affect primarily cost reimbursement type contracts for managing, operating, constructing, and servicing DOE facilities and certain other on-site contractors and subcontractors.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/92	57 FR 32664
NPRM Comment	09/21/92	57 FR 32664
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

**Additional Information: TIMETABLE CONT:** On March 26, 1992, DOE wrote to OMB stating that it would like to publish this proposal, as well as the final rule establishing 10 CFR Part 707, soon after the then-applicable 90-day moratorium had expired. DOE received publication approval on June 30, 1992.

**Agency Contact:** Juanita E. Smith, Director, Employee Relations Division (PR-151), Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9033

**RIN:** 1991-AA90**DEPARTMENT OF ENERGY (DOE)**

Completed Actions

**Office of Procurement, Assistance and Program Management (PR)****939. SUBSTANCE ABUSE PROGRAM RELATING TO CONTRACTOR EMPLOYEES****Significance:** Regulatory Program**Legal Authority:** 42 USC 2012 et seq, Atomic Energy Act of 1954**CFR Citation:** 10 CFR 707**Legal Deadline:** None

**Abstract:** Will establish comprehensive substance abuse prevention policy and program at DOE-owned or -leased operations consistent with DOE responsibility to protect public health and safety and national security. Regulation will address drug testing requirements, educational and training programs, drug counseling and rehabilitation, confidentiality and protection of privacy of employees. Costs incurred will affect cost reimbursement type contracts for managing, operating, constructing, and servicing DOE facilities and certain other contractors and subcontractors. Benefits will be in establishing reasonable level of consistency among contractor programs and resultant cost to the Government and in reducing risk of unacceptable damage to security, environment, health and safety of employees and the public.

**Timetable:**

Action	Date	FR Cite
NPRM	07/03/91	56 FR 30644
NPRM Comment	09/03/91	56 FR 30644
Period End		
Final Action	07/22/92	57 FR 32652
Final Action	08/21/92	57 FR 32652
Effective		

**Small Entities Affected:** None**Government Levels Affected:** None**Sectors Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information: TIMETABLE CONT:** On March 26, 1992, DOE wrote to OMB stating that it would like to publish this final rule and a related proposal (RIN 1991-AA90) soon after the then-applicable 90-day moratorium had expired. DOE received publication approval on June 30, 1992.

**Agency Contact:** Juanita E. Smith, Director, Employee Relations, Office of Contractor Human Resource Mgmt., Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9033

**RIN:** 1991-AA39**940. DEPARTMENT OF ENERGY ASSISTANCE REGULATION; AMENDMENT****Legal Authority:** 31 USC 6301 to 6308**CFR Citation:** 10 CFR 600**Legal Deadline:** None

**Abstract:** Update the Department's Assistance Regulations to reflect recent changes in statutes and regulations and to correct errors therein. Specific changes include adding a statutory mandate as a basis for utilizing a non-competitive award, adding provisions to comply with EO 12699 on seismic safety, changing the criteria for selection of unsolicited applications, elaborating on what is needed to explain why an unsolicited proposal is being awarded, and updating provisions regarding patents and data rights.

**Timetable:**

Action	Date	FR Cite
NPRM	11/07/91	56 FR 56944
NPRM Comment	12/09/91	56 FR 56944
Period End		
Final Action	01/02/92	57 FR 1
Final Action	02/02/92	57 FR 1
Effective		

**Small Entities Affected:** None**Government Levels Affected:** Undetermined

**Agency Contact:** Edward Sharp, Procurement Analyst (PR-122), Department of Energy, Office of



## DOE—PR

## Completed Actions

Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8192

RIN: 1991-AA79

#### 941. ● DEAR: WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES

**Significance:** Agency Priority

**Legal Authority:** 42 USC 7254, DOE Organization Act sec 644; 40 USC 486(c); 42 USC 2201, Atomic Energy Act of 1954 sec 161; 42 USC 420 Fed. Civ. Employ/Contr Trav. Expen. Act 1985 sec 201; 42 USC 7256a, Dept. of Defense Authoriz. Act of 1986 sec 1534

**CFR Citation:** 48 CFR 909; 48 CFR 923; 48 CFR 970

**Legal Deadline:** None

**Abstract:** To implement the illegal drug components of the Workplace Substance Abuse Program at DOE Sites, 10 CFR 707, on covered contracts. This rule will conform the Department of Energy Acquisition Regulation to 10 CFR 707.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	07/22/92	57 FR 32674
Final Action	07/22/92	57 FR 32674
Final Action Effective	09/21/92	57 FR 32674

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** TIMETABLE CONT: DOE received OMB publication approval for this interim final rule on June 30, 1992, at the same time it received approval regarding two other related notices which were also published on July 22, 1992.

**Agency Contact:** Edward Simpson, Procurement Analyst, Procurement Policy Division (PR-121), Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8246

RIN: 1991-AA89

#### 942. ● FINANCIAL ASSISTANCE RULES; CONTINUATION AWARDS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

**CFR Citation:** 10 CFR 600.31

**Legal Deadline:** None

**Abstract:** This action amends DOE's Financial Assistance Rules to permit recipients of research awards, in certain cases, to submit requests for

continuation funding without detailed budgetary information on how funds are to be spent in the upcoming period. This will be permitted in those situations in which a new or renewal application contains detailed future year budgets which permit the DOE to evaluate the future years at the time the initial award is made. Should there be a significant change in the direction of the project or the budget, a detailed budget could still be required for a continuation award. This rulemaking was a DOE initiative in implementing the President's regulatory review program.

#### Timetable:

Action	Date	FR Cite
NPRM	06/24/92	57 FR 28135
NPRM Comment Period End	07/24/92	57 FR 28135
Final Action	09/02/92	57 FR 40083
Final Action Effective	10/02/92	57 FR 40083

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Edward F. Sharp, Procurement Analyst, Department of Energy, Office of Procurement, Assistance and Program Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8192

RIN: 1991-AA94

### DEPARTMENT OF ENERGY (DOE) Office of General Counsel (OGC)

### Proposed Rule Stage

#### 943. PATENT WAIVER REGULATION

**Legal Authority:** 42 USC 2182; 42 USC 5908; PL 99-661

**CFR Citation:** 10 CFR 784

**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	06/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer

any issuance of the NPRM until the moratorium expires.

**Agency Contact:** Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-2802

RIN: 1990-AA02

#### 944. FOREIGN GIFTS AND DECORATIONS

**Legal Authority:** 5 USC 7342; 41 CFR 101-49.001-5

**CFR Citation:** 10 CFR 1050

**Legal Deadline:** None



DOE—OGC

Proposed Rule Stage

**Abstract:** The DOE regulations need to be amended to reflect the increase in the dollar amount of "minimal value," as determined by General Services Administration (GSA) regulation. Accordingly, the DOE regulations will reference the GSA regulation. Whether a gift is of "minimal value" is a factor in whether the regulations apply.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** MaryAnn Shebek, Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-1522

**RIN:** 1990-AA04

**945. PAYMENT OF TRAVEL EXPENSES OF PERSONS WHO ARE NOT GOVERNMENT EMPLOYEES**

**Legal Authority:** 42 USC 7254

**CFR Citation:** 10 CFR 1060

**Legal Deadline:** None

**Abstract:** The regulation needs to be revised to reflect the delegation of authority from the Office of Personnel Management to pay travel expenses of certain job applicants in traveling to preemployment interviews required by the Department.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** TIMETABLE CONT: The indicated NPRM date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the NPRM until the moratorium expires.

**Agency Contact:** MaryAnn Shebek, Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-1522

**RIN:** 1990-AA15

**946. DOE PATENT LICENSING REGULATIONS—AMENDMENT**

**Legal Authority:** 35 USC 207

**CFR Citation:** 37 CFR 404; 10 CFR 781

**Legal Deadline:** None

**Abstract:** The proposed regulation is based on 37 CFR 404, Commerce Department's regulation on Licensing of Government-Owned Patents. The proposed regulation would amend 10 CFR 781 to reflect current DOE patent licensing policies and procedures, terms, and conditions, while removing any inconsistencies with statutory changes since 1980.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** The date for the notice of proposed rulemaking is undetermined because it is dependent on the issuance of licensing regulations being presently drafted by the Commerce Department.

**Agency Contact:** Robert J. Marchick, Patent Counsel (GC-42), Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-4792

**RIN:** 1990-AA18

**DEPARTMENT OF ENERGY (DOE)  
Office of General Counsel (OGC)**

Final Rule Stage

**947. PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION AND PROVISION OF AGENCY WITNESSES IN FEDERAL AND STATE PROCEEDINGS**

**Legal Authority:** 42 USC 7254; 5 USC 301; 28 CFR 1621

**CFR Citation:** 10 CFR 202

**Legal Deadline:** None

**Abstract:** The intent of this regulation is to establish an agencywide procedure for processing and responding to subpoenas or requests for Department of Energy records or testimony by Department of Energy officers and employees. A regulation intended to fulfill this purpose currently exists.

However, relocating its position in the Code of Federal Regulations and some minor language changes would clarify its applicability. In addition, efficient application of the regulation will be promoted by more closely modeling it on the comparable Department of Justice regulation, since the Department of Justice is usually responsible for representing the Department of Energy in such matters. The cost of this action is expected to be de minimis and could effect a savings, since clarification and recodification of the existing regulation may avoid needless litigation.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	
Final Action Effective	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This action is exempt from notice and comment.

**TIMETABLE CONT:** The indicated Final Action date falls within the President's moratorium on regulatory initiatives. DOE will either obtain an exception from OMB or defer any issuance of the Final Action until the moratorium expires.



DOE—OGC

Final Rule Stage

**Agency Contact:** Robin A. Henderson,  
Trial Attorney (GC-22), Department of  
Energy, Office of General Counsel, 1000

Independence Ave. SW., Washington,  
DC 20585, 202 586-8706

**RIN:** 1990-AA12

[FR Doc. 92-24619 Filed 11-02-92; 8:45 am<sup>1</sup>

BILLING CODE 6450-01-F



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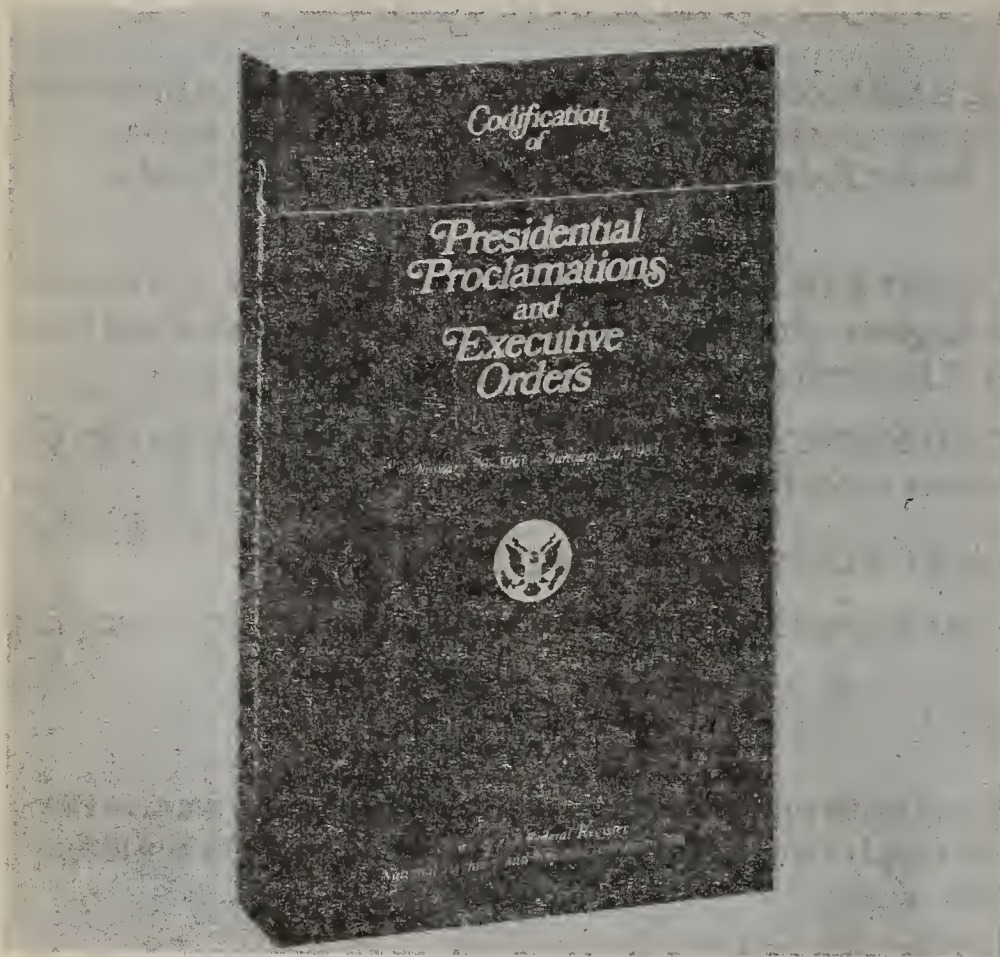
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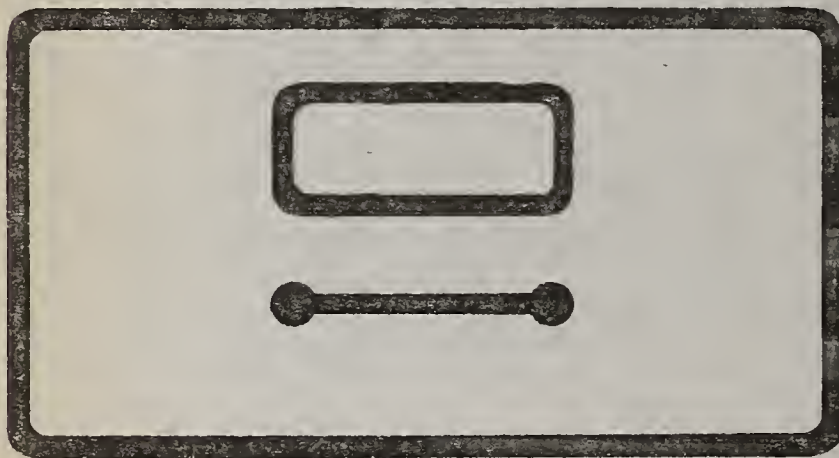
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The GUIDE to record retention is a useful reference tool, compiled from agency regulations, designed to assist anyone with Federal recordkeeping obligations.

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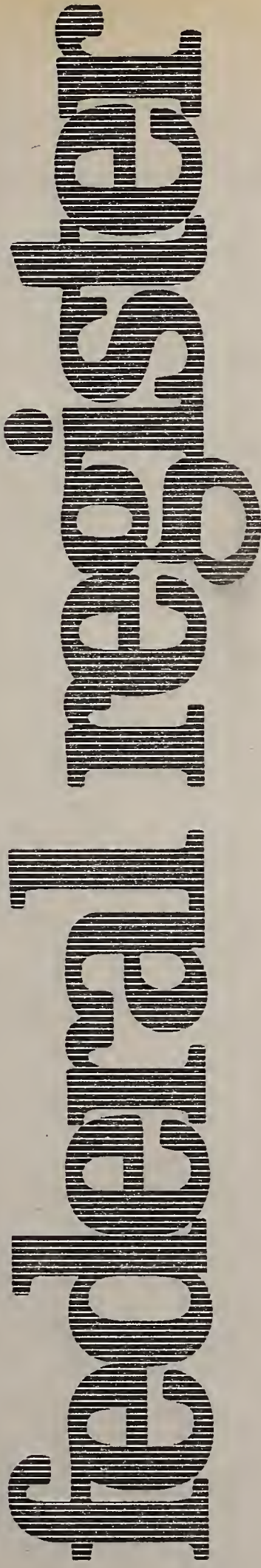
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**Unified Agenda of Federal Regulations**

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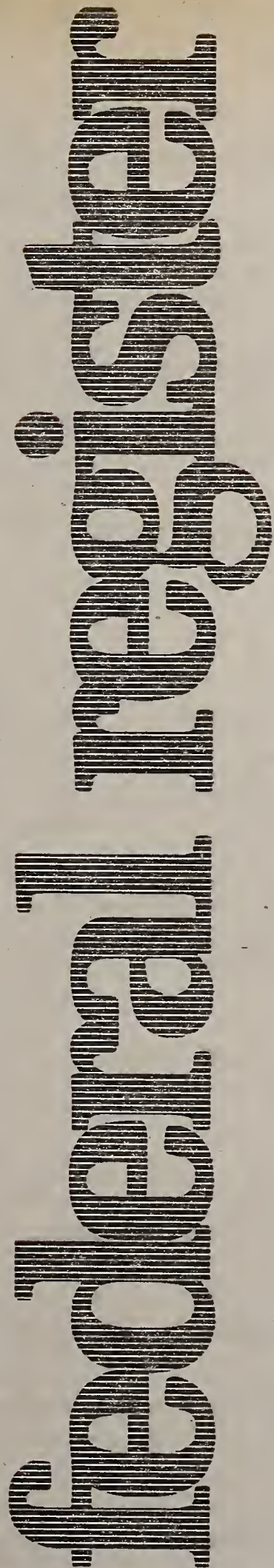






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**Tuesday  
November 3, 1992**



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**Part VIII**

**Department of  
Health and Human  
Services**

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**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:** Office of the Secretary, HHS.

**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 April 27, 1992.

**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: Gloria P. Ellis, Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201; telephone: (202) 690-6824.

Jacquelyn Y. White,  
*Acting Executive Secretary to the Department.*

**Office of the Secretary—Proposed Rule Stage**

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949	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals .....	0991-AA12
950	Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting .....	0991-AA22
951	Civil Money Penalties (CMPs) for Certain Hospital Physician Incentive Plans .....	0991-AA45
952	Civil Money Penalties (CMPs) for Certain Practices Relating to Medicare Supplemental Policies .....	0991-AA53
953	Uniform Administrative Requirements for Grants and Cooperative Agreements .....	0991-AA56
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956	Civil Money Penalties For Physician Ownership of and Referral To Certain Health Care Entities .....	0991-AA65
957	Additional Safe Harbor Provisions Under the Anti-Kickback Statute.....	0991-AA66
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961	Civil Money Penalties and Exclusions for Assistants at Cataract Surgery .....	0991-AA37
962	Civil Money Penalties and Intermediate Sanctions for HMOs and Competitive Medical Plans.....	0991-AA44
963	Block Grant Programs.....	0991-AA55
964	Safe Harbors for Protecting Health Plans .....	0991-AA69
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966	Clarification of the OIG Safe Harbor Anti-Kickback Provisions .....	0991-AA74
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HHS

## Social Security Administration—Proposed Rule Stage

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970	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II (061P).....	0960-AB38
971	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Evaluation Guides for Determining Substantial Gainful Activity (SGA) (147P).....	0960-AB73
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974	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Fee Limitation Policy for Purchase of Laboratory Tests (184P).....	0960-AC41
975	Supplemental Security Income Program; Continuation of Full Benefit Standard for Certain Persons Institutionalized (198P).....	0960-AC55
976	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Vocational Factors Regulations Restructuring and Clarification (207P).....	0960-AC61
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1007	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Program; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs (131F) .....	0960-AB05
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1274	Inpatient Hospital Deductible and Hospital and Skilled Nursing Facility Coinsurance Amounts for 1993 (OACT-042-N).....	0938-AF94
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1284	Medicaid Management Information System (MMIS) Performance Review, Notification Procedures for Changes in Requirements, Performance Standards, and Reapproval Conditions (MB-035-F).....	0938-AE36
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1286	Granting and Withdrawal of Deeming Authority to Private Nonprofit Accreditation Organizations and of CLIA Exemption Under State Laboratory Programs (HSQ-181-F).....	0938-AE62
1287	Limit on Payment for Cost of an Intraocular Lens Furnished by a Hospital on an Outpatient Basis (BPD-649-F).....	0938-AE76
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1291	Recognition of the Community Health Accreditation Program Standards for Home Care Organizations (BPD-739-FN).....	0938-AF55
1292	Medicare Program: Changes to the Inpatient Hospital Prospective Payment Systems and Fiscal Year 1993 Rates (BPD-756-P).....	0938-AF79
1293	Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or After July 1, 1992 (BPD-757-NC).....	0938-AF80
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DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)  
Office of the Secretary (OS)

## Proposed Rule Stage

**948. 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 708; 42 USC 8625; 42 USC 9821; 42 USC 9849; 42 USC 1397; 42 USC 300w-7

**CFR Citation:** 45 CFR 94

**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
Second NPRM	12/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Marcella Haynes, Director, Policy & Special Projects Staff, Office for Civil Rights, Department of Health and Human Services, Office of the Secretary, 330 Independence Ave., SW., Rm. 5034, Washington, DC 20201, 202 619-0571

**RIN:** 0991-AA02

**949. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS**

**Legal Authority:** 5 USC 301

**CFR Citation:** 45 CFR 74, app E

**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 compatible with cost principles issued by OMB for State and local units of government, educational institutions and nonprofit organizations.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Local, State

**Additional Information:** The current OMB project to completely rewrite its Circular A-87, "Cost Principles for State and Local Governments" includes proposed revisions of the interest allowability provision. OMB is considering the possibility of adopting uniform provisions on interest in each of its Circulars on Cost Principles, A-87, A-21 for Educational Institutions and A-122 for Nonprofit Organizations. If this occurs, HHS will consider adopting the same provisions for interest costs incurred by hospitals under Federal research and training awards.

**Agency Contact:** Edward M. Tracy, Director, Division of Cost Determination

Management, Department of Health and Human Services, Office of the Secretary, Room 1067 Cohen Bldg, 200 Independence Ave. SW., Washington, DC 20201, 202 401-2806

**RIN:** 0991-AA12

**950. 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 398

**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. 95-567, 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	44 FR 14582
NPRM	12/21/79	44 FR 75676
NPRM Comment Period End	01/20/80	44 FR 75676
Second NPRM	12/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State



HHS—OS

Proposed Rule Stage

**Public Compliance Cost:** Yearly  
Recurring Cost: \$5,000

**Additional Information:** Because of concerns expressed by interested parties and time elapsed since issuance of the ANPRM, HHS/OS/OCR will be announcing a new NPRM.

**Agency Contact:** Marcella Haynes, Director, Policy & Special Projects Staff, Office for Civil Rights, Department of Health and Human Services, Office of the Secretary, 330 Independence Ave., SW., Room 5034, Washington, DC 20201, 202 619-0671

**RIN:** 0991-AA22

### 951. CIVIL MONEY PENALTIES (CMPS) FOR CERTAIN HOSPITAL PHYSICIAN INCENTIVE PLANS

**Legal Authority:** PL 99-509, Sec 9313

**CFR Citation:** 42 CFR 1001; 42 CFR 1003

**Legal Deadline:** None

**Abstract:** This proposed rule would prohibit a hospital from knowingly making incentive payments to a physician as an inducement to reduce or limit services provided to Medicare or Medicaid beneficiaries who are under the direct care of that physician. The rule would also set forth standards governing the imposition of CMPs for each such individual for whom payments are made.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Regulations addressing physician incentive plans by risk-sharing HMOs and competitive medical plans, and incorporating PL 101-508, sections 4204(g) and 4731, are being addressed in separate OIG rulemaking.

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

**RIN:** 0991-AA45

### 952. CIVIL MONEY PENALTIES (CMPS) FOR CERTAIN PRACTICES RELATING TO MEDICARE SUPPLEMENTAL POLICIES

**Legal Authority:** PL 100-360, Sec 428(b); PL 101-508, Sec 4351; PL 101-508, Sec 4353(a); PL 101-508, Sec 4354; PL 101-508, Sec 4355(a); PL 101-508, Sec 4357

**CFR Citation:** 42 CFR 1003

**Legal Deadline:** None

**Abstract:** This proposed rule would authorize the imposition of CMPs against individuals or entities who knowingly and willfully use misleading and fraudulent practices in the advertisement, solicitation, offering for sale, or delivery of Medicare supplemental health insurance (Medigap) policies. Penalties would also be established for failure to meet Medigap policy loss-ratio requirements, failure to comply with policy simplification standards, and failure to obtain Secretarial certification of Medigap policies in States with non-approved regulatory programs.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

**RIN:** 0991-AA53

### 953. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

**Legal Authority:** 5 USC 301

**CFR Citation:** 45 CFR 74; 45 CFR 92

**Legal Deadline:** None

**Abstract:** OMB is in the process of issuing updated fiscal and administrative guidance on requirements governing grants (including cooperative agreements). Separate guidance will be provided for grants awarded to governments and those awarded to colleges and universities and other nonprofit organizations. In separating grant rules

for governments from those of other recipients, OMB recognizes the unique competence of States to administer grants and embraces the concept of Federalism. HHS regulations governing grants to these entities will have to be updated to accommodate these changes. HHS regulations governing grants to governments which implement OMB Circular A-102 are codified in 45 CFR part 92. Those governing grants to colleges and universities and other nonprofit organizations which implement OMB Circular A-110 are codified in 45 CFR part 74.

**Timetable:**

**45 CFR 74**

NPRM 06/24/87 (52 FR 23729)  
NPRM Comment Period End 08/23/87  
NPRM 11/04/88 (53 FR 44715)  
NPRM Comment Period End 01/03/89  
NPRM 10/00/92  
NPRM Comment Period End 12/00/92  
Final Action 03/00/93

**45 CFR 92**

NPRM 06/24/87 (52 FR 23729)  
NPRM Comment Period End 08/23/87  
NPRM 11/04/88 (53 FR 44715)  
NPRM Comment Period End 01/03/89  
NPRM 10/00/92  
Final Action 12/00/92

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Charles Gale, Director, Division of Grants Management and Oversight, Department of Health and Human Services, Office of the Secretary, Rm 517D, HHH Bldg., 200 Independence Avenue SW., Washington, DC 20201, 202 690-6377

**RIN:** 0991-AA56

### 954. STANDARDIZATION AND UNIFORM APPLICATION OF CMP PROCEDURES

**Legal Authority:** PL 99-509, Sec 9320; PL 99-509, Sec 9331; PL 99-509, Sec 9332; PL 99-509, Sec 9338; PL 100-203, Sec 4045; PL 100-203, Sec 4049; PL 100-203, Sec 4051; PL 100-203, Sec 4062; PL 100-203, Sec 4064; PL 100-203, Sec 4085; PL 100-360, Sec 202; PL 101-508, Sec 4109; PL 101-508, Sec 4155; PL 101-508, Sec 4163(b)(2); PL 101-508, Sec 4401(b)

**CFR Citation:** 42 CFR 1001; 42 CFR 1002; 42 CFR 1003

**Legal Deadline:** None



HHS—OS

Proposed Rule Stage

**Abstract:** This rulemaking would standardize the procedures for imposing civil money penalties and related sanctions authorized by statutes incorporating provisions of section 1128A of the Social Security Act. In addition to standardizing OIG's existing CMP procedures, this rule would include provision for CMPs and related exclusions for various Medicare Part B violations resulting from OBRA '86, OBRA '87, OBRA '90 and PL 100-360.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State, Federal

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

**RIN:** 0991-AA57

### 955. CIVIL MONEY PENALTIES FOR FAILURE TO IDENTIFY MEDICARE SECONDARY PAYER SITUATIONS

**Legal Authority:** PL 101-239, Sec 6202

**CFR Citation:** 42 CFR 1003

**Legal Deadline:** None

**Abstract:** This rule would set forth a civil money penalty against any employer who willfully and repeatedly failed to provide a timely and accurate response regarding inquiries on what period an employee, or the employee's spouse, may be covered under a health plan and the nature of that coverage.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

**RIN:** 0991-AA64

### 956. CIVIL MONEY PENALTIES FOR PHYSICIAN OWNERSHIP OF AND REFERRAL TO CERTAIN HEALTH CARE ENTITIES

**Significance:** Agency Priority

**Legal Authority:** PL 101-239, Sec 6204; PL 101-508, Sec 4207(e); PL 101-508, Sec 4207(m)(2)

**CFR Citation:** 42 CFR 1003

**Legal Deadline:** Final, Statutory, October 1, 1991.

**Abstract:** This rule will implement new civil money penalty authorities regarding prohibited physician ownership and referral arrangements as set forth in Section 1877 of the Social Security Act.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** This rulemaking is being developed in conjunction with RIN 0938-AF40.

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Office of Inspector General, OMP, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

**RIN:** 0991-AA65

### 957. ADDITIONAL SAFE HARBOR PROVISIONS UNDER THE ANTI-KICKBACK STATUTE

**Legal Authority:** PL 100-93, Sec 2; PL 100-93, Sec 14

**CFR Citation:** 42 CFR 1001

**Legal Deadline:** None

**Abstract:** This proposed rule would set forth additional "safe harbor" provisions, as authorized by section 14 of PL 100-93. The proposed rule would further delineate business and payment practices relating to the Medicare and State health care programs that will be immunized from either criminal or civil prosecution in accordance with the Medicare/Medicaid anti-kickback statute.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Office of Inspector General, OMP, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

**RIN:** 0991-AA60

### 958. TITLE VI OF THE CRA OF 1964, SUBPART B-NATIONAL ORIGIN DISCRIMINATION IN PROGRAMS RECEIVING FED. FINANCIAL ASSISTANCE FROM THE DHHS AGAINST PERSONS OF LIMITED ENGLISH PROFICIENCY

**Legal Authority:** 42 USC 2000d-1

**CFR Citation:** 45 CFR 80

**Legal Deadline:** None

**Abstract:** Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities that receive Federal financial assistance. This addition as Subpart B to the Department's Title VI regulation will address a serious barrier to equal access to health and human services--the denial of services and other unequal or discriminatory treatment to persons of Limited English Proficiency (LEP). Persons of LEP tend to be disproportionately represented in certain national origin groups. The inability to communicate with persons of LEP therefore may have the effect of discriminating against certain persons on the basis of national origin. This regulation will establish standards for compliance by recipients and provide guidance to OCR Regional Offices in conducting complaint investigations and compliance reviews. Compliance with these regulations would improve access to services for persons regardless of national origin. The alternative would be to do nothing about the identified problem, which would be detrimental to LEP persons.



HHS—OS

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	06/00/93	
Final Action Effective	07/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Marcella Haynes, Director, Policy and Special Projects Staff, Department of Health and Human Services, Office of the Secretary, 330

Independence Avenue, SW., Room 5034, Washington, DC 20201, 202 619-0671

**RIN:** 0991-AA72

**959. ● REVISIONS TO THE PRO SANCTIONS PROCESS**

**Legal Authority:** 42 USC 1302; 42 USC 1320c-5; PL 100-93, sec 6; PL 100-93, sec 8; PL 100-93, sec 10; PL 100-203, sec 4095; PL 101-508, sec 4205

**CFR Citation:** 42 CFR 1004

**Legal Deadline:** None

**Abstract:** This rule would revise and update the procedures governing the imposition and adjudication of sanctions predicated on recommendations of State Peer Review Organizations. These changes are necessitated by statutory revisions resulting from PL 100-93, PL 100-203,

and PL 101-508. This rule will also set forth new appeal and reinstatement procedures that are presently codified in 42 CFR part 1004.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

**RIN:** 0991-AA73

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

Final Rule Stage

Office of the Secretary (OS)

**960. AUDITS OF NONGOVERNMENTAL GRANTEES**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301

**CFR Citation:** 45 CFR 74.62

**Legal Deadline:** None

**Abstract:** This action will implement OMB Circular A-133 which was issued on March 8, 1990. The Circular provides governmentwide standards for non-Federal audits of colleges and universities and other nonprofit recipients of Federal grants and contracts and requires such audits for fiscal periods beginning on or after January 1, 1990. The Circular exempts hospitals not affiliated with institutions of higher education. The HHS implementation of the Circular will contain a definition of affiliation on which the public will be afforded an opportunity to provide comments. The Circular and these amendments replace the audit requirements currently contained in OMB Circular A-110.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/01/91	56 FR 8712
Interim Final Rule Effective	03/01/91	56 FR 8712
Comment Period End	04/30/91	56 FR 8712

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** Organizations

**Government Levels Affected:** Local, State

**Additional Information:** Only a small number of public comments on the interim final rule's definition of affiliation were received. However, they contained some misunderstandings about the HHS definition and its effects, as well as a number of suggestions for possible changes thereto. We are carefully considering those comments and expect to issue a final rule responding to misunderstandings and making some minor changes to the definition.

**Agency Contact:** Edward M. Tracy, Director, Division of Cost Determination Management, Department of Health and Human Services, Office of the Secretary, Room 1067 Cohen Bldg., 200 Independence Ave. SW., Washington, DC 20201, 202 401-2866

**RIN:** 0991-AA29

**961. CIVIL MONEY PENALTIES AND EXCLUSIONS FOR ASSISTANTS AT CATARACT SURGERY**

**Legal Authority:** PL 99-272, Sec 9307; PL 99-514, Sec 1895(b)(16)

**CFR Citation:** 42 CFR 1001; 42 CFR 1003

**Legal Deadline:** None

**Abstract:** These final regulations provide for the imposition of civil money penalties and exclusions against physicians billing the Medicare program or program beneficiaries for services of an assistant at surgery for cataract operations where prior approval has not been granted. This rule specifically responds to various comments raised as a result of the interim final, and makes a number of technical corrections to those final regulations.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/10/87	52 FR 11649
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

**RIN:** 0991-AA37



HHS--OS

Final Rule Stage

**962. CIVIL MONEY PENALTIES AND INTERMEDIATE SANCTIONS FOR HMOS AND COMPETITIVE MEDICAL PLANS**

**Legal Authority:** PL 99-509, Sec 9312; PL 99-509, Sec 9434; PL 100-203, Sec 4014; PL 100-360, Sec 224; PL 100-360, Sec 411; PL 101-239, Sec 6411

**CFR Citation:** 42 CFR 1003; 42 CFR 417; 42 CFR 431; 42 CFR 434

**Legal Deadline:** None

**Abstract:** This final rule will broaden the Secretary's authority to impose intermediate sanctions and civil money penalties against eligible organizations that substantially fail to provide Medicare or Medicaid enrollees with required medically necessary items and services, or that practice certain marketing, enrollment, reporting or claims payment abuses.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/91	56 FR 33403
NPRM Comment Period End	09/20/91	
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Two HMO provisions resulting from PL 101-508, section 4204(g) (Prohibiting Certain Employer Marketing Activities) and section 4731 (Regulation of Incentive Payments to Physicians) will be addressed through separate OIG rulemaking.

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

**RIN:** 0991-AA44

**963. BLOCK GRANT PROGRAMS**

**Legal Authority:** PL 100-485; PL 100-607; PL 100-690

**CFR Citation:** 45 CFR 96

**Legal Deadline:** None

**Abstract:** Recent legislation modified technical, administrative and reporting requirements for several of the Department's block grants. This notice would propose regulatory changes to reflect these statutory changes and to

clarify certain other block grant regulatory provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	07/17/92	57 FR 31682
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Glenn Kamber, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue SW., Washington, DC 20201, 202 245-7316

**RIN:** 0991-AA55

**964. SAFE HARBORS FOR PROTECTING HEALTH PLANS**

**Significance:** Agency Priority

**Legal Authority:** PL 100-93, Sec 2; PL 100-93, Sec 14

**CFR Citation:** 42 CFR 1001

**Legal Deadline:** None

**Abstract:** This rule will establish additional "safe harbor" provisions, as authorized by section 14 of PL 100-93. This rule will protect certain health care plans, such as health maintenance organizations, that offer incentives to enrollees or that enter into negotiated price reduction agreements with contract health care providers.

**Timetable:**

Action	Date	FR Cite
Final Rule With Comment Period	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Office of the Inspector General, OMP, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

**RIN:** 0991-AA69

**965. GOVERNMENTWIDE GUIDANCE FOR NEW RESTRICTIONS ON LOBBYING; INTERIM FINAL GUIDANCE**

**Significance:** Regulatory Program

**Legal Authority:** 31 USC 1352

**CFR Citation:** 45 CFR 93

**Legal Deadline:** None

**Abstract:** This interim final rule is in response to section 319 of P.L. 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan or a Federal commitment to insure or guarantee a loan, must disclose lobbying activities.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Charles Gale, Director, Division of Grants Management and Oversight, Department of Health and Human Services, Office of the Secretary, Rm 517D, HHH Bldg., 200 Independence Avenue SW., Washington, DC 20201, 202 690-6574

**RIN:** 0991-AA70

**966. ● CLARIFICATION OF THE OIG SAFE HARBOR ANTI-KICKBACK PROVISIONS**

**Legal Authority:** PL 100-93, sec 14

**CFR Citation:** 42 CFR 1001

**Legal Deadline:** None

**Abstract:** This final rule clarifies various aspects of the original set of safe harbor provisions that were published on July 29, 1991 (56 FR 35953) and that are currently set forth in 42 CFR 1001.952(a)-(k). This clarifying document modifies the final safe harbor provisions to give greater clarity to their original intent.

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Department of



HHS—OS

Final Rule Stage

Health and Human Services, Office of the Secretary, Office of the Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

RIN: 0991-AA74

**967. ● CLARIFICATION TO THE AMENDMENTS TO OIG EXCLUSION AND CMP AUTHORITIES RESULTING FROM PUBLIC LAW 100-93**

Significance: Agency Priority

Legal Authority: PL 100-93

CFR Citation: 42 CFR 1001; 42 CFR 1005

Legal Deadline: None

**Abstract:** This rule explicitly sets forth the Department's position on the applicability of exclusion authorities contained in 42 CFR 1001. This clarification states that the exclusion provisions are to apply to both (1) the OIG in imposing and proposing program exclusions, and (2) the administrative law judges, the Departmental Appeals Board, and Federal courts in reviewing the imposition of exclusions by the OIG.

Timetable:

Action	Date	FR Cite
Final Action	01/00/93	
Final Action Effective	01/00/93	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

RIN: 0991-AA75

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

## Departmental Management (HHS/DM)

**968. 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 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	06/19/87	52 FR 23311
NPRM Comment Period End	08/17/87	
Final Action	04/01/93	
Final Action Effective	04/01/93	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Eileen Bradley, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Room 5382, HHS Cohen Building, 330 Independence Avenue SW., Washington, DC 20201, 202 619-0150

RIN: 0990-AA02

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

## Social Security Administration (SSA)

**969. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM (143P)**

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, appendix 1

Legal Deadline: None

**Abstract:** Sections 1.00 and 101.00 of appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those musculoskeletal impairments which are considered severe enough to

prevent a person from doing any gainful activity or, in the case of a child under age 18, age-appropriate activities. We are proposing comprehensive revisions to these sections 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	
Final Action	12/00/93	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 966-0512

RIN: 0960-AB01



HHS—SSA

Proposed Rule Stage

**970. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II (051P)**

**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; 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 windfalls 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 at \$5 million a year. Any costs/savings are associated with the legislation being implemented and not with the regulations themselves.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 410 965-8471

**RIN:** 0960-AB38

**971. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY (SGA) (147P)**

**Significance:** Agency Priority

**Legal Authority:** PL 98-460, Sec 10; PL 99-643; PL 100-203; PL 101-508

**CFR Citation:** 20 CFR 404; 20 CFR 416

**Legal Deadline:** None

**Abstract:** These proposed changes will clarify how the Social Security Administration evaluates a person's work activity. These regulations also will increase the monthly earnings amount that constitutes services for trial work period purposes and change the rules to allow the value of any subsidy or impairment-related work expenses to be deducted in determining that monthly earnings amount. These regulations also reflect statutory changes with respect to the trial work period and the re-entitlement period.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cassandra Bond, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1794

**RIN:** 0960-AB73

**972. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; NONPAYMENT OF BENEFITS TO PRISONERS, VOCATIONAL REHABILITATION EXCEPTION (166P)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 402(x)(1); 42 USC 405

**CFR Citation:** 20 CFR 404.468; 20 CFR 404.469 (New)

**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 a 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	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-8470

**RIN:** 0960-AC18

**973. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF BENEFITS AND SPECIAL ELIGIBILITY FOR CERTAIN SEVERELY IMPAIRED RECIPIENTS WHO WORK (171P)**

**Significance:** Agency Priority

**Legal Authority:** PL 99-643, Sec 2; PL 99-643, Sec 4; PL 101-508, Sec 5032; PL 101-508, Sec 5033; 42 USC 1382a; 42 USC 1382h

**CFR Citation:** 20 CFR 416.260; 20 CFR 416.261; 20 CFR 416.262; 20 CFR 416.265; 20 CFR 416.268; 20 CFR 416.269; 20 CFR 416.1112; 20 CFR 416.1402; 20 CFR 426.264

**Legal Deadline:** None

**Abstract:** These proposed regulations will implement statutory changes contained in sections 2 and 4 of PL 99-643. These provisions: (1) make section 1619 of the Social Security Act permanent; and (2) simplify the transitions among regular SSI status, special benefit status, and special Supplemental Security Income status for Medicaid purposes. The proposed regulations also will involve the



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statutory change contained in sections 5032 and 5033 of Pub. L. 101-508 which eliminate the age-65 limit for eligibility for special Supplemental Security Income status for Medicaid purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard M. Bresnick, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-1758

**RIN:** 0960-AC22

**974. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; FEE LIMITATION POLICY FOR PURCHASE OF LABORATORY TESTS (184P)**

**Legal Authority:** 42 USC 421(a); 42 USC 1302; 42 USC 1383b

**CFR Citation:** 20 CFR 404.1624a (New); 20 CFR 416.1024a (New)

**Legal Deadline:** None

**Abstract:** These proposed regulations would place a limitation on the rates of payment a State may pay for laboratory tests purchased by State agencies. Under these proposed regulations a State agency would be required to limit the amounts it pays for laboratory tests to the maximum payment level contained in the Health Care Financing Administration's (HCFA) National Limitation Amounts for Laboratory Fee Schedules. Currently the only payment requirement is that the rates of payment not exceed the highest rates paid by Federal or other agencies in the State for the same or similar types of services.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Richard M. Bresnick, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, MD 21235, 410 965-1758

**RIN:** 0960-AC41

**975. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF FULL BENEFIT STANDARD FOR CERTAIN PERSONS INSTITUTIONALIZED (198P)**

**Significance:** Agency Priority

**Legal Authority:** PL 100-203, Sec 9115; PL 99-643, Sec 3

**CFR Citation:** 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.1149; 20 CFR 416.1167; 20 CFR 416.1325; 20 CFR 416.2040; 20 CFR 416.410; 20 CFR 416.412; 20 CFR 416.640; 20 CFR 416.1147

**Legal Deadline:** None

**Abstract:** These amendments would require continued payment for up to three months based on the full payment rate to certain persons eligible for SSI payments under sections 1619 or 1611 of the Act who enter certain medical or psychiatric institutions. Without these provisions, SSI benefits would be reduced or suspended.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**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, 410 965-1759

**RIN:** 0960-AC55

**976. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; VOCATIONAL FACTORS REGULATIONS RESTRUCTURING AND CLARIFICATION (207P)**

**Legal Authority:** 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

**CFR Citation:** 20 CFR 404.1520; 20 CFR 404.1550 to 404.1567; 20 CFR 416.920; 20 CFR 416.950 to 416.967

**Legal Deadline:** None

**Abstract:** Based upon adjudicative experience, we are proposing clarifications and a restructuring of the

disability vocational evaluation regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-6243

**RIN:** 0960-AC61

**977. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; INTERIM DISABILITY BENEFITS (215P)**

**Legal Authority:** 42 USC 423(h); 42 USC 1383(a); PL 100-647, Sec 8001

**CFR Citation:** 20 CFR 404; 20 CFR 416

**Legal Deadline:** None

**Abstract:** These regulations implement a section of PL 100-647 that authorizes interim benefit payments whenever an Administrative Law Judge (ALJ) decides that a claimant is entitled to benefits based on disability or blindness and the Secretary has not issued his final decision within 110 days after the date of the ALJ's determination.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1759

**RIN:** 0960-AC76

**978. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDETERMINATIONS OF SUPPLEMENTAL SECURITY INCOME ELIGIBILITY (223P)**

**Legal Authority:** 42 USC 1302; 42 USC 1381a; 42 USC 1382; 42 USC 1382(c); 42 USC 1382h(a); 42 USC 1383

**CFR Citation:** 20 CFR 416.204



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**Legal Deadline:** None

**Abstract:** We propose to amend our regulations on redeterminations of Supplementary Security Income eligibility. Our current rules do not include in the redetermination period the month of eligibility, the month of application, or the month of the last redetermination or eligibility update. The redeterminations omit these months and, as a result, we do not have an accounting of all living arrangements, income, and resources for the period of eligibility. We propose to change our rules to include in the redetermination period all months from the first day of the month of eligibility, month of application, or month of eligibility update for the first redetermination and all months from the first day of the month of the last redetermination for subsequent redeterminations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

**RIN:** 0960-AC77

**979. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; MEDICAL IMPROVEMENT REVIEW STANDARD (MIRS)—MISCELLANEOUS CHANGES (225P)**

**Legal Authority:** 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

**CFR Citation:** 20 CFR 404.1579; 20 CFR 404.1594; 20 CFR 404.1598; 20 CFR 416.994

**Legal Deadline:** None

**Abstract:** These proposed regulations will make no policy changes but are needed to make a number of technical corrections to our existing regulations pertaining to how we decide whether disability continues or ends.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 966-0512

**RIN:** 0960-AC81

**980. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPEALS COUNCIL NOTICE REQUIREMENTS (235P)**

**Legal Authority:** 42 USC 401(g); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 421(d); 42 USC 1302; 42 USC 1383; 42 USC 1383b

**CFR Citation:** 20 CFR 404.973; 20 CFR 416.1473

**Legal Deadline:** None

**Abstract:** These proposed regulations amend the existing regulations to clarify the requirements that the Appeals Council (AC) notify the parties of its reasons for reviewing a case and the issues to be decided. The proposed regulations clarify the AC's procedures with regard to providing the notice required by the regulations and do not represent any change in policy. These regulations are intended to remove any ambiguities in the current regulations concerning the circumstances and the manner in which the AC provides notice to the parties.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

**RIN:** 0960-AC93

**981. SUPPLEMENTAL SECURITY INCOME PROGRAM; WAIVER OF SSI RULE FOR DEEMING TO CHILDREN THE INCOME AND RESOURCES OF THEIR PARENTS FOR CERTAIN DISABLED CHILDREN (252P)**

**Legal Authority:** 42 USC 1382c(f)(2)

**CFR Citation:** 20 CFR 416.415; 20 CFR 416.1148; 20 CFR 416.1165; 20 CFR 416.1202

**Legal Deadline:** Other, Statutory, June 1, 1990.

**Abstract:** These proposed regulations reflect the provisions of section 8010 of Pub. L. 101-239 which waive the SSI income and resource deeming rules (which deem the income and resources of a disabled child's parents to the child if the child is living at home) for disabled children who were eligible for SSI benefits while in a medical institution and who qualify for Medicaid under a State home care plan authorized under title XIX when deeming parental income and resources would make the disabled child ineligible for SSI benefits or eligible for a payment of less than the personal needs allowance. This was effective June 1, 1990.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** State

**Agency Contact:** Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 966-0512

**RIN:** 0960-AC96

**982. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM INCOME OF DOMESTIC COMMERCIAL TRANSPORTATION TICKETS RECEIVED AS GIFTS IN DETERMINING SSI INCOME (253P)**

**Legal Authority:** 42 USC 1382a(b)(15)

**CFR Citation:** 20 CFR 416.1124; 20 CFR 416.1161

**Legal Deadline:** None

**Abstract:** Pursuant to 42 USC 1382a(b)(15), gifts of certain commercial transportation tickets are excluded from income for SSI purposes, if they are



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used by the individual (or his or her spouse) and not converted to cash. These proposed rules will reflect the statutory provision which is effective as of March 1, 1990.

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/92	57 FR 44146
NPRM Comment	11/23/92	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 966-0512

**RIN:** 0960-AC97

**983. SSI PROGRAM; REDUCTION IN TIME WHEN INCOME AND RESOURCES OF SEPARATED COUPLES MUST BE TREATED AS JOINTLY AVAILABLE FOR PURPOSES OF SSI ELIGIBILITY AND BENEFITS (254P)**

**Legal Authority:** 42 USC 1382c(b)

**CFR Citation:** 20 CFR 416.120(c); 20 CFR 416.305; 20 CFR 416.430; 20 CFR 416.432; 20 CFR 416.532(c); 20 CFR 416.554; 20 CFR 416.1130(c); 20 CFR 416.1147; 20 CFR 416.1801(c); 20 CFR 416.1802(b); 20 CFR 416.1806; 20 CFR 416.1811; 20 CFR 416.1830(a); 20 CFR 416.1832(c) and (d)

**Legal Deadline:** None

**Abstract:** This proposed regulation requires that a married couple be treated as separate individuals for purposes of SSI eligibility and benefit determination beginning with the month after the month they begin living apart. This change is effective October 1, 1990.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, MD 21235, 410 966-0512

**RIN:** 0960-AC98

**984. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; TAKE INTO ACCOUNT MISINFORMATION PROVIDED TO APPLICANTS IN DETERMINING DATE OF APPLICATION (267P)**

**Legal Authority:** 42 USC 402(j); 42 USC 1383(e); PL 101-239, Sec 10302

**CFR Citation:** 20 CFR 404.612; 20 CFR 404.614; 20 CFR 404.615; 20 CFR 404.633 (New); 20 CFR 404.902; 20 CFR 404.903; 20 CFR 416.310; 20 CFR 416.325; 20 CFR 416.351 (New); 20 CFR 416.1402; 20 CFR 416.1403

**Legal Deadline:** None

**Abstract:** These proposed regulations reflect section 10302 of P.L. 101-239 which provides for the establishment of a deemed filing date of an application for Social Security or Supplemental Security Income benefits in any case where it is determined to the satisfaction of the Secretary that an individual failed to apply for these benefits because of misinformation provided to the individual by an officer or employee of the Social Security Administration about the individuals eligibility for the benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

**RIN:** 0960-AD05

**985. SUPPLEMENTAL SECURITY INCOME PROGRAM; AUGMENTED BENEFITS (271P)**

**Legal Authority:** 42 USC 1382a

**CFR Citation:** 20 CFR 416.1121; 20 CFR 416.1122

**Legal Deadline:** None

**Abstract:** These proposed regulations will state the Supplemental Security Income program policy on the treatment

of benefits from other programs that have been augmented to provide for dependents. Our current regulations only provide policy regarding the treatment of the primary beneficiary's portion of an augmented Department of Veterans Affairs benefit.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

**RIN:** 0960-AD07

**986. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; USE OF STATE LAWS TO DETERMINE CHILD RELATIONSHIP (286P)**

**Legal Authority:** 42 USC 416; 42 USC 1302

**CFR Citation:** 20 CFR 404.354

**Legal Deadline:** None

**Abstract:** Current regulations provide that the relationship of a child to a deceased worker is determined by applying the laws on devolution of intestate personal property in effect at the time of death in the State in which the worker was domiciled at the time of death. The proposed revision will take into account situations where the State law in effect at the time of death was declared unconstitutional by a State or Federal Court or where State law was amended after the worker's death, but is effective retroactively to the worker's death.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

**RIN:** 0960-AD16



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**987. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REPRESENTATIVE PAYEE REFORMS (295P)****Significance:** Regulatory Program**Legal Authority:** PL 101-508, Sec 5105**CFR Citation:** Not yet determined**Legal Deadline:** None

**Abstract:** These regulations, which reflect certain provisions of PL 101-508, modify existing representative payee procedures by requiring the Social Security Administration (SSA) to do a more extensive investigation of representative payee applicants; generally limit to 1 month the deferral or suspension of direct payment of benefits pending selection of a payee; provide stricter standards in determining the fitness of representative payee applicants to manage benefit payments on behalf of beneficiaries; require SSA to repay to the beneficiary or an alternate payee, an amount equal to any misused funds resulting from SSA's negligent failure to investigate or monitor a representative payee; and require SSA to compile and maintain a centralized file of certain beneficiary and payee information.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
Final Action	03/00/94	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

**RIN:** 0960-AD22**988. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; FEES FOR REPRESENTATION OF CLAIMANTS (296P)****Legal Authority:** PL 101-508, Sec 5106**CFR Citation:** Not yet determined**Legal Deadline:** None

**Abstract:** We propose to amend the regulations to reflect section 5106(a) of Pub. L. 101-508 which modifies the manner in which past-due benefits are calculated and the process by which SSA approves fees charged by persons representing claimants before the Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

**RIN:** 0960-AD23**989. OASDI AND SSI FOR THE AGED, BLIND & DISABLED; CONTINUATION OF BENEFITS ON ACCOUNT OF PARTICIPATION IN A NON-STATE VR PROGRAM (299P)****Legal Authority:** PL 101-508, Sec 5113

**CFR Citation:** 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338

**Legal Deadline:** None

**Abstract:** These regulations will reflect section 5113 of PL 101-508, which amends sections 225(b) and 1631(a)(6) of the Act to extend eligibility for continuation of benefits under these sections to persons who are participating in a non-State VR program. Prior to these amendments, the law only provided for continuation of benefits when a person was participating in a State VR program. These regulatory changes will bring our regulations into conformity with the law.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

**RIN:** 0960-AD26**990. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; WAIVER OF 2-YEAR WAITING PERIOD FOR INDEPENDENT ENTITLEMENT TO DIVORCED SPOUSES' BENEFITS (307P)****Legal Authority:** 42 USC 403(b)(2); 42 USC 403(d)(1)(B)

**CFR Citation:** 20 CFR 404.331; 20 CFR 404.415; 20 CFR 404.416(a); 20 CFR 404.417(b)(4)

**Legal Deadline:** None

**Abstract:** These proposed regulations reflect section 5127 of P.L. 101-508 which waives the provision requiring an individual to wait 2 years after divorcing the worker before the individual can receive divorced spouses' benefits that are not subject to deductions because of the worker's earnings.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 966-0512

**RIN:** 0960-AD33**991. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; TREATMENT OF CERTAIN ROYALTIES AND HONORARIA (310F)****Legal Authority:** PL 101-508, Sec 5034(a)(1)(B); 42 USC 1382a(a)(1)(E)

**CFR Citation:** 20 CFR 416.1110; 20 CFR 416.1111; 20 CFR 416.1121

**Legal Deadline:** None

**Abstract:** These regulations amend the Supplemental Security Income regulations to reflect a statutory change in the treatment of royalties in connection with any publication of the works of an individual and that portion of honoraria received for services rendered, from unearned income to earned income.



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**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

**RIN:** 0960-AD35

**992. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; EXCLUSION FROM INCOME AND RESOURCES OF VICTIMS' COMPENSATION PAYMENTS AND STATE RELOCATION ASSISTANCE (311P)**

**Legal Authority:** PL 101-508, Sec 5031; PL 101-503, Sec 5035

**CFR Citation:** 20 CFR 416.1124; 20 CFR 416.1161(a); 20 CFR 416.1204(a); 20 CFR 416.1210; 20 CFR 416.1229 (New); 20 CFR 416.1239 (New)

**Legal Deadline:** None

**Abstract:** These regulations will provide for the exclusion from income and from resources (for nine months) in the Supplemental Security Income Program payments received by a person from a State established fund to aid victims of crime and payments received as State or local government relocation assistance.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Additional Information:** RIN 0960-AD37 has been merged with this action.

**Agency Contact:** Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1753

**RIN:** 0960-AD36

**993. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REIMBURSEMENT FOR VR SERVICES FURNISHED DURING CERTAIN MONTHS OF NON-PAYMENT (315P)**

**Legal Authority:** PL 101-508, Sec 5037

**CFR Citation:** 20 CFR 416.1321; 20 CFR 416.1331; 20 CFR 416.1338; 20 CFR 416.1402; 20 CFR 416.2201

**Legal Deadline:** None

**Abstract:** These regulations reflect section 5037 of PL 101-508, which amends section 1615 of the Act, to provide for reimbursement for VR services furnished during certain months of nonpayment of Supplemental Security Income benefits. Prior to these amendments there was no provision in the law for such reimbursement.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

**RIN:** 0960-AD39

**994. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; EXCLUSION FROM INCOME AND RESOURCES OF EARNED INCOME TAX CREDITS (319P)**

**Legal Authority:** 42 USC 1302; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1383

**CFR Citation:** 20 CFR 416.210; 20 CFR 416.1110; 20 CFR 416.1111; 20 CFR 416.1112; 20 CFR 416.1161; 20 CFR 416.1210; 20 CFR 416.1235 (New)

**Legal Deadline:** NPRM, Statutory, January 1, 1991.

**Abstract:** This proposed regulation reflects section 11115 of PL 101-508 (the Omnibus Budget Reconciliation Act of 1990), which increases earned income tax credit (EITC) rates and excludes payments related to EITCs from income in the month of receipt and from resources in the month of receipt and in the month following the month of

receipt, under the Supplemental Security Income, Aid to Families With Dependent Children, Medicaid, and Food Stamp programs.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/92	57 FR 44348
NPRM Comment	11/24/92	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

**RIN:** 0960-AD41

**995. ORGANIZATION AND PROCEDURES; REVIEW BY APPEALS COUNCIL (334P)**

**Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 422.205

**Legal Deadline:** None

**Abstract:** We propose to amend our regulations to give Appeals Officers of the Appeals Council authority to deny requests for review of hearings decisions. Presently, this authority rests only with members of the Appeals Council.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Philip Berge, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, 410 965-1709

**RIN:** 0960-AD45



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**996. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME; LIMITATION OF TRAVEL EXPENSES FOR REPRESENTATION OF CLAIMANTS AT ADMINISTRATIVE PROCEEDINGS (324P)**

**Legal Authority:** PL 101-508, Sec 5106(c)

**CFR Citation:** 20 CFR 404.999c(d); 20 CFR 416.1498(d)

**Legal Deadline:** None

**Abstract:** We propose to amend the regulations concerning payment of certain travel expenses to implement the provisions of section 5106(c) of Pub. L. 101-508, the Omnibus Budget Reconciliation Act of 1990, enacted November 5, 1990. Section 5106(c) amended sections 201(j), 1631(h) and 1817(i) of the Social Security Act to provide that the amount of available payment under these sections for travel by a representative to attend a proceeding before an administrative law judge or other adjudicator shall not exceed the maximum amount allowable for travel originating within the geographic area of the office having jurisdiction over the proceeding.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Philip Berge, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

**RIN:** 0960-AD46

**997. ● CODE OF CONDUCT FOR THE OFFICE OF HEARINGS AND APPEALS (OHA) ADMINISTRATIVE LAW JUDGES AND ADMINISTRATIVE APPEALS JUDGES (341P)**

**Legal Authority:** EO 12674 as modified by EO 12731;; 42 USC 405

**CFR Citation:** 5 CFR

**Legal Deadline:** None

**Abstract:** These regulations will propose a Code of Conduct for OHA Administrative Law Judges and Administrative Appeals Judges.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Philip Berge, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

**RIN:** 0960-AD54

**998. ● ELECTION OF BENEFITS BASED ON AGE BY DISABLED WIDOW, WIDOWER AND SURVIVING DIVORCED SPOUSE BENEFICIARIES (343P)**

**Legal Authority:** 42 USC 405

**CFR Citation:** 20 CFR 404.335; 20 CFR 404.336; 20 CFR 404.337

**Legal Deadline:** None

**Abstract:** We propose to amend our regulations to permit the election of benefits based on age by widows, widowers and surviving divorced spouses (hereinafter, collectively widows) who are at least age 60 and who are already entitled to widow's benefits based on disability. This proposal would allow the widow to choose which of the two types of widow's benefits is more advantageous. The estimated increase in benefit payments is less than \$500,000 per year for fiscal years 1992-1995.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cassandra Bond, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1794

**RIN:** 0960-AD56

**999. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; CONSIDERING AN APPLICATION FILED UNDER THE RAILROAD RETIREMENT ACT AS AN APPLICATION FOR SOCIAL SECURITY BENEFITS (342P)**

**Legal Authority:** 42 USC 402; 42 USC 405(a); 42 USC 423; 42 USC 428; 42 USC 1302

**CFR Citation:** 20 CFR 404.611

**Legal Deadline:** None

**Abstract:** This proposed regulation will amend the existing regulation to clarify that an application filed with the Railroad Retirement Board (RRB) for an annuity under the Railroad Retirement Act of 1974, as amended, is also an application for Social Security benefits under title II of the Social Security Act, unless the claimant specifies otherwise. This regulation will clarify that a claim filed with the RRB under the Railroad Unemployment Insurance Act is not a claim for Social Security benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jack Schenberger, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

**RIN:** 0960-AD59

**1000. ● SSI PROGRAM; SSI MAXIMUM PAYMENT LIMIT (\$30) WHEN MEDICAID IS NOT PAYING TOWARD THE COST OF INSTITUTIONAL CARE BECAUSE THE INDIVIDUAL TRANSFERRED A RESOURCE (345P)**

**Legal Authority:** 42 USC 1382b; 42 USC 1382(e)(1)

**CFR Citation:** 20 CFR 416.414

**Legal Deadline:** None

**Abstract:** These proposed regulations amend existing regulations to include language explaining that the \$30 maximum monthly SSI payment limit applies when Medicaid is not paying toward the cost of institutional care because the individual transferred a resource for less than fair market value.



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**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Lawrence V. Dudar, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1759

**RIN:** 0960-AD60

**1001. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROMISSORY NOTES IN HOME REPLACEMENT SITUATIONS (192F)**

**Legal Authority:** 42 USC 1302; 42 USC 1302(b)

**CFR Citation:** 20 CFR 416.1212

**Legal Deadline:** None

**Abstract:** This proposed regulation explains how the Social Security Administration (SSA) treats promissory notes and similar installment sales contracts and the proceeds generated therefrom when received as a result of the sale of a home which is excluded from resources under the Supplemental Security Income (SSI) program. This proposed regulation provides for application of the "home replacement exclusion" in these situations where timely reinvestment of the installments into another home, which is similarly excludable as the principal place of residence, is made.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Henry Lerner, Legal Assistant, Office of Regulations, Department of Health and Human

Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

**RIN:** 0960-AD61

**1002. ● AGAINST EQUITY AND GOOD CONSCIENCE (348P)**

**Legal Authority:** 30 USC 923; 42 USC 404; 42 USC 1383

**CFR Citation:** 20 CFR 404.509; 20 CFR 410.561d; 20 CFR 416.554

**Legal Deadline:** None

**Abstract:** These proposed regulations amend the existing regulations to change how we determine when recovery of an overpayment would be against equity and good conscience. Currently, regulations permit determinations that recovery of an overpayment would be against equity and good conscience under three specific conditions. The proposed regulations will provide for the "against equity and good conscience" determination to be based on an examination and consideration of a variety of factors such as cause and result of overpayment, fairness, and defeat the purpose of the program as they affect both the beneficiary and the Social Security Administration.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Duane Heaton, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

**RIN:** 0960-AD62

**1003. ● OASDI AND SSI; TESTING MODIFICATIONS TO THE DISABILITY DETERMINATION PROCEDURES (359P)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 405(a); 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 404.906; 20 CFR 416.1406

**Legal Deadline:** None

**Abstract:** We propose to add new rules to test modifications to the disability determination procedures that we follow under titles II and XVI of the Social Security Act. On a limited basis, we will test procedures designed to improve the disability claims process. These models are designed to provide us with comprehensive information regarding the effect of these procedures on the disability process. They will enable us to measure whether, and to what degree, the disability process may be improved, especially with respect to obtaining the correct decision earlier in the process and shortening aggregate processing times. We will measure costs and determine the feasibility of each model. The intended result of testing these models is to enable SSA to make recommendations for national implementation of improvements to the disability process.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Henry D. Lerner, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

**RIN:** 0960-AD63



**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**  
**Social Security Administration (SSA)**

Final Rule Stage

**1004. SUPPLEMENTAL SECURITY INCOME PROGRAM; SUSPENSIONS, TERMINATIONS, AND ADVANCE NOTICE OF ADVERSE DETERMINATIONS (031F)**

**Legal Authority:** 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c; 42 USC 1382d; 42 USC 1383; PL 99-643, Sec 3; PL 99-643, Sec 4; PL 100-203, Sec 9103; PL 100-203, Sec 9112; PL 100-203, Sec 9115; PL 101-239, Sec 8009; PL 101-508, Sec 5038; PL 101-508, Sec 5105

**CFR Citation:** 20 CFR 416B; 20 CFR 416G; 20 CFR 416M

**Legal Deadline:** None

**Abstract:** This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's SSI benefits. This regulation's purpose is to make these rules easier to read and understand. These rules also reflect the following statutory enactments: (1) section 3 of Pub. L. 99-643, (2) section 4 of Pub. L. 99-643, (3) section 9103 of Pub. L. 100-203, (4) section 9112 of Pub. L. 100-203, (5) section 9115 of Pub. L. 100-203, (6) section 8009 of Pub. L. 101-239, (7) section 5038 of Pub. L. 101-508, and (8) section 5105 of Pub. L. 101-508.

**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	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1759

**RIN:** 0960-AA22

**1005. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM (141F)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1302; 42 USC 1383; 42 USC 405

**CFR Citation:** 20 CFR 404.1500ff, appendix 1

**Legal Deadline:** None

**Abstract:** Sections 4.00 and 104.00 of appendix 1 of the Disability regulations (404.1501 through 404.1599) describe cardiovascular impairments considered severe enough to prevent an individual from doing any gainful activity or, in the case of a child under age 18, age-appropriate activities. Because of the advances in medical technologies and practice in this area we are revising the criteria in the Listing of Impairments to bring these sections up to date. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/91	56 FR 31266
NPRM Comment Period End	09/09/91	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 966-0512

**RIN:** 0960-AA99

**1006. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM (142F)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1302; 42 USC 1383; 42 USC 405

**CFR Citation:** 20 CFR 404.1500ff, appendix 1

**Legal Deadline:** None

**Abstract:** Sections 3.00 and 103.00 of appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful activity or, in the case of a child under age 18, age-appropriate activities. We are proposing revisions to require consideration of the nature and clinical manifestations of respiratory disorders

and the limitations such disorders impose on the individual's ability to function. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance programs.

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/91	56 FR 52231
NPRM Comment Period End	12/17/91	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cassandra Bond, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-1794

**RIN:** 0960-AB00

**1007. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS (131F)**

**Legal Authority:** 42 USC 405; 42 USC 425; 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 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

**Legal Deadline:** None

**Abstract:** This change permits the 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 court decisions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/14/86	51 FR 17616
Final Action	12/00/92	



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Final Rule Stage

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-8471**RIN:** 0960-AB05**1008. SUPPLEMENTAL SECURITY INCOME PROGRAM AND MEDICAID ASSISTANCE; WHAT IS NOT INCOME (121F)****Legal Authority:** 42 USC 1382a**CFR Citation:** 20 CFR 416.1103(a); 42 CFR 433.136; 42 CFR 435.725(a) and (c); 42 CFR 435.726(a) and (c); 42 CFR 435.733(a) and (c); 42 CFR 435.735(a) and (c); 42 CFR 435.832(a) and (c); 42 CFR 436.832(a) and (c)**Legal Deadline:** None**Abstract:** The rule changes SSI policy to consider Department of Veterans Affairs payments resulting from unusual medical expenses not to be income for SSI purposes.**Timetable:**

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32252
NPRM Comment Period End	10/24/88	
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-8470**RIN:** 0960-AB09**1009. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSIONS FROM INCOME AND RESOURCES OF INDIAN JUDGMENT FUNDS AND PER CAPITA DISTRIBUTIONS (201P)****Legal Authority:** PL 97-458; PL 98-64; PL 100-241**CFR Citation:** 20 CFR 416K Appendix; 20 CFR 416.1234; 20 CFR 416.1236**Legal Deadline:** None**Abstract:** The proposed regulation reflects the provisions of the following statutes: (1) Pub. L. 97-458, enacted

January 12, 1983, which provides that Indian judgment funds held in trust or distributed per capita pursuant to a plan approved by Congress or the Secretary of the Interior are excluded from income and resources under the Supplemental Security Income Program; (2) Pub. L. 98-4 enacted August 2, 1983, which provides for the exclusion of all funds held in trust by the Secretary of the Interior for an Indian tribe and distributed per capita to a member of that tribe; and (3) Pub. L. 100-241, enacted February 3, 1988, which provides for the exclusion from income and resources of certain items received by an individual Alaskan native or descendant of an Alaskan native from a native corporation. The program and administrative impact of these regulations are negligible, i.e., less than \$1 million and/or 30 workyears.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/92	57 FR 33137
NPRM Comment Period End	09/25/92	
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-8470**RIN:** 0960-AB86**1010. REVISION OF THE LISTING OF IMPAIRMENTS; PART A AND PART B OF THE ENDOCRINE AND MULTIPLE BODY SYSTEMS; IMMUNE SYSTEM (150F)****Significance:** Regulatory Program**Legal Authority:** 42 USC 405; 42 USC 1302**CFR Citation:** 20 CFR 404.1500ff, Appendix 1**Legal Deadline:** None**Abstract:** These rules will, for the first time, add HIV infection to the regulatory "Listing of Impairments." These rules, which have separate proposed listings for children and adults, provide criteria in our regulations for evaluating manifestations of HIV infection and emphasize the special considerations

needed to evaluate HIV infection in women and children.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/91	56 FR 65702
NPRM Comment Period End	02/18/92	
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 695-6243**RIN:** 0960-AC06**1011. SUPPLEMENTAL SECURITY INCOME PROGRAM; PAYMENT OF BENEFITS DUE DECEASED RECIPIENTS (174F)****Legal Authority:** 42 USC 1383(b)(1)(A)**CFR Citation:** 20 CFR 416.340(d); 20 CFR 416.345(e); 20 CFR 416.533; 20 CFR 416.536; 20 CFR 416.537(b); 20 CFR 416.538(a), (b), (c), (d); 20 CFR 416.542(b), (c); 20 CFR 416.543; 20 CFR 416.1402(k), (l), (m); 20 CFR 416.1457(c)(4); 20 CFR 416.1471(b)**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 recipient was living with the parent(s) at the time of death or within the 6 months immediately preceding the month of death. These proposed regulations would also reflect a policy change that would continue the appeals process (versus automatic dismissal), at the Administrative Law Judge or Appeals Council level, for the survivors' entitlement to an underpayment if they meet certain conditions.



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**Timetable:**

Action	Date	FR Cite
NPRM	09/10/90	55 FR 37249
NPRM Comment Period End	11/09/90	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**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, 410 965-1795

**RIN:** 0960-AC28

**1012. SUPPLEMENTAL SECURITY INCOME PROGRAM; PARENT-TO-CHILD DEEMING (105F)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1302; 42 USC 1382(a); 42 USC 1382c(f)

**CFR Citation:** 20 CFR 416.1165

**Legal Deadline:** None

**Abstract:** Under the current SSI rules, three different formulas are used to calculate the amount of income deemed to an eligible child from his or her ineligible parent(s) when they are living together. The formulas produce different results depending on the type of income (earned versus unearned) and the number of children in the household. This sometimes creates anomalies. The rule would resolve the anomalies by providing that one formula be used regardless of the type of parental income. The formula to be used is the formula now used when the parent(s) has both earned and unearned income.

**Timetable:**

Action	Date	FR Cite
NPRM	07/08/91	56 FR 30884
NPRM Comment Period End	09/06/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 966-0512

**RIN:** 0960-AC38

**1013. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CANCELLED CONSULTATIVE EXAMINATIONS (181F)**

**Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 404.1624; 20 CFR 416.1024

**Legal Deadline:** None

**Abstract:** We are considering the development of a final rule to provide that we will no longer pay for consultative examinations when services are not rendered because the scheduled appointment was broken or otherwise not kept. Presently, the States decide whether to pay for these canceled examinations and such payments have already been abolished in 22 States. The total elimination of these payments will establish a uniform national policy.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/88	53 FR 39487
NPRM Comment Period End	12/06/88	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Richard M. Bresnick, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1758

**RIN:** 0960-AC40

**1014. SUPPLEMENTAL SECURITY INCOME PROGRAM; PROCEEDS OF A LOAN, PAYMENT OF PRO RATA SHARE OF HOUSEHOLD OPERATING EXPENSES (130F)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1302

**CFR Citation:** 20 CFR 416.1103; 20 CFR 416.1133

**Legal Deadline:** None

**Abstract:** Money borrowed (a loan) is not income for SSI purposes and therefore has no effect on a person's SSI benefits. These regulations will state that only cash transactions may be considered loans. These regulations will also provide that the one-third

reduction rule which applies when a person who lives in another's household and receives in-kind support and maintenance will not apply if the SSI recipient pays his or her pro rata share in cash and no later than the month under consideration. No additional costs or savings are anticipated.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/90	55 FR 33922
NPRM Comment Period End	10/19/90	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-3470

**RIN:** 0960-AC42

**1015. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EXTENSION OF SOCIAL SECURITY COVERAGE TO CERTAIN WORKERS; MEDICARE ONLY COVERAGE OF CERTAIN STATE AND LOCAL GOVERNMENT EMPLOYEES (187F)**

**Legal Authority:** PL 100-203, Sec 9001; PL 100-203, Sec 9002; PL 100-203, Sec 9003; PL 100-203, Sec 9004; PL 100-203, Sec 9005; PL 100-203, Sec 9022; PL 99-272, Sec 13205; PL 99-514, Sec 1895; PL 100-647, Sec 8017

**CFR Citation:** 20 CFR 404.429(c)(3); 20 CFR 404.1015; 20 CFR 404.1018b; 20 CFR 404.1019; 20 CFR 404.1020; 20 CFR 404.1021; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1097

**Legal Deadline:** None

**Abstract:** These regulations would reflect statutory changes that extend Social Security coverage to work situations not previously covered. These newly covered work situations include: (1) Inactive duty training in the uniformed services; (2) Certain agricultural labor situations; and (3) Work for a spouse or parent. Additionally, the year for reporting corporate directors' income has been changed, and Medicare coverage is provided to many previously uncovered State and local government employees. Also, these regulations would reflect a



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provision of PL 100-647 which further revised our coverage provisions relating to agricultural wages.

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/90	55 FR 37488
NPRM Comment Period End	11/13/90	
Final Action	10/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State, Federal

**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, 410 965-1759

RIN: 0960-AC45

**1016. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; APPLICABILITY OF GOVERNMENT PENSION TO CERTAIN FEDERAL EMPLOYEES (188F)**

**Legal Authority:** 42 USC 402(b); 42 USC 402(c); 42 USC 402(e); 42 USC 402(f); 42 USC 402(g); PL 100-203, Sec. 9007; PL 100-647, Sec 8014

**CFR Citation:** 20 CFR 404.408a

**Legal Deadline:** None

**Abstract:** This final rule would reflect provisions of the Omnibus Budget Reconciliation Act of 1987 (PL 100-203, sec 9007) on the Government pension offset and provisions of the Technical and Miscellaneous Revenue Act of 1988 (PL 100-647), which also contained new rules on the government pension offset.

**Timetable:**

Action	Date	FR Cite
NPRM	12/12/89	54 FR 51036
NPRM Comment Period End	02/12/90	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-6471

RIN: 0960-AC46

**1017. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATION OF DISABILITY - DETERMINING STATE AGENCY SUBSTANTIAL FAILURE (206F)**

**Legal Authority:** 42 USC 421; 42 USC 1302

**CFR Citation:** 20 CFR 404.1641; 20 CFR 404.1670; 20 CFR 404.1680; 20 CFR 404.1682; 20 CFR 404.1683; 20 CFR 416.1041; 20 CFR 416.1070; 20 CFR 416.1080; 20 CFR 416.1082; 20 CFR 416.1083

**Legal Deadline:** None

**Abstract:** The proposed rules contain procedures for determining when a State agency has substantially failed to make disability determinations in accordance with applicable Federal law. If it is determined that a State agency has substantially failed to make disability determinations in a manner consistent with Federal regulations or other written guidelines, the Social Security Administration, in accordance with section 221 of the Social Security Act (42 USC 421), must assume the responsibility for making the disability determinations. The costs or savings likely to result from implementation of these regulations are not predictable.

**Timetable:**

Action	Date	FR Cite
NPRM	03/14/91	56 FR 11025
NPRM Comment Period End	05/13/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-0512

RIN: 0960-AC60

**1018. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SUSPENSION OF BENEFITS OF DEPORTED NAZIS; EXEMPTION FROM SOCIAL SECURITY TAXATION BECAUSE OF RELIGIOUS BELIEFS (210F)**

**Legal Authority:** PL 100-647, Sec 8007; 42 USC 402(n); 42 USC 402(v); PL 101-239; PL 101-649, Sec 603(b)

**CFR Citation:** 20 CFR 404.305; 20 CFR 404.464; 20 CFR 404.1039 (New); 20 CFR 404.1068; 20 CFR 404.1075

**Legal Deadline:** None

**Abstract:** This regulation reflects a provision of PL 100-647 which extends the current law treatment of self-employed workers who may claim an exemption from Social Security coverage if they are members of a religious faith that is opposed to participation in Social Security programs to employees in cases where both the employee and the employer are members of a qualifying religious faith. It also reflects a provision of PL 101-649 which concerns the suspension of Social Security benefits when an individual is deported.

**Timetable:**

Action	Date	FR Cite
NPRM	05/28/91	56 FR 24043
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1759

RIN: 0960-AC68

**1019. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS FOR ADULTS (222F)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 405; 42 USC 1382c

**CFR Citation:** 20 CFR 404.1500ff, Appendix 1

**Legal Deadline:** None

**Abstract:** These proposed amendments revise the medical evaluation criteria for mental disorders for the Social Security and Supplemental Security Income disability programs. The proposed revisions will reflect advances in medical treatment and in methods of evaluating certain mental impairments and will provide up-to-date medical criteria for use in the evaluation of disability claims based on mental disorders. (The present medical criteria used to evaluate disability claims based on mental disorders was



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extended through August 27, 1993, by a final regulation published on June 8, 1992.)

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/91	56 FR 33130
NPRM Comment	09/18/91	
Period End		
Final Action	08/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard M. Brosnick, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1758

**RIN:** 0960-AC74

### 1020. SUPPLEMENTAL SECURITY INCOME PROGRAM; AUGMENTED BENEFITS (231F)

**Legal Authority:** 42 USC 1382a

**CFR Citation:** 20 CFR 416.1123

**Legal Deadline:** None

**Abstract:** These regulations describe the treatment of the dependent's portion of an augmented Department of Veterans Affairs benefit as income to the dependent by the SSI program.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/90	55 FR 20612
NPRM Comment	07/17/90	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

**RIN:** 0960-AC82

### 1021. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REPRESENTATION OF CLAIMANTS FOR BENEFITS UNDER TITLE II OR TITLE XVI (249F)

**Significance:** Regulatory Program

**Legal Authority:** PL 101-239, Sec 10307

**CFR Citation:** 20 CFR 404.1705; 20 CFR 416.1505

**Legal Deadline:** None

**Abstract:** These proposed regulations will provide that information regarding the options for obtaining an attorney and the availability of legal services organizations will be included with the notice sent to claimants who receive an adverse determination.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/91	56 FR 55475
NPRM Comment	12/27/91	
Period End		
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

**RIN:** 0960-AC87

### 1022. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS APPLICABLE IN DETERMINATIONS OF GOOD CAUSE, FAULT, AND GOOD FAITH (247F)

**Significance:** Regulatory Program

**Legal Authority:** PL 101-239, Sec 10305

**CFR Citation:** 20 CFR 404; 20 CFR 416

**Legal Deadline:** None

**Abstract:** This proposed rule will implement a section of P.L. 101-239 that requires that we take into account a claimant's physical, mental, educational or language limitations, including any lack of facility with the English language when we make certain determinations involving the claimant's good cause, fault or good faith in taking or not taking certain actions.

**Timetable:**

Action	Date	FR Cite
NPRM	10/30/91	56 FR 55848
NPRM Comment	12/30/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

**RIN:** 0960-AC88

### 1023. SUPPLEMENTAL SECURITY INCOME PROGRAM; TECHNICAL CHANGES TO SUBPARTS K AND L (244F)

**Legal Authority:** PL 93-66, Sec 211; PL 98-369, Sec 2639; PL 101-239, Sec 10405; PL 100-707, Sec 109(p) and 312(d); PL 100-527, Sec 2; PL 97-35; PL 100-50, Sec 14(27); PL 101-41, Sec 6(b); PL 100-383, Sec 105(f); PL 100-383, Sec 206(d)

**CFR Citation:** 20 CFR 416.1103; 20 CFR 416.1124; 20 CFR 416.1142; 20 CFR 416.1150; 20 CFR 416.1170; 20 CFR 416, subpart K, app; 20 CFR 416.1236; 20 CFR 416.1237

**Legal Deadline:** None

**Abstract:** These regulations make technical changes to the Supplemental Security Income regulations that include a statutory change to a title of a public law, a statutory repeal of certain time limits, adding a statutory change redesignating the Veterans Administration as the Department of Veterans Affairs, adding a reference heading, updating the appendix to Subpart K, and updating lists of statutory exclusions from resources. These technical changes update the regulations and improve referencing.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

**RIN:** 0960-AC94

### 1024. SUPPLEMENTAL SECURITY INCOME PROGRAM; ELIGIBILITY FOR SSI BENEFITS OF CHILDREN OF ARMED FORCES PERSONNEL RESIDING OVERSEAS (251F)

**Legal Authority:** 42 USC 1382c; 42 USC 1383



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**CFR Citation:** 20 CFR 416.202; 20 CFR 416.215 (New)

**Legal Deadline:** Other, Statutory, April 1, 1990.

**Statutory Effective Date**

**Abstract:** These regulations extend eligibility for SSI benefits to blind or disabled children who are United States (U.S.) citizens and who reside with a parent who is a member of the U.S. Armed Forces assigned to permanent duty ashore outside the U.S., the District of Columbia, Puerto Rico, and certain territories and possessions of the U.S., and who, during the month prior to the parent's assignment abroad, were eligible for SSI benefits based on disability or blindness. This provision will apply to benefits after March 1990.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/91	56 FR 58198
NPRM Comment Period End	01/17/92	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

**RIN:** 0960-AC95

### 1025. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; EARNINGS AND BENEFIT STATEMENTS (269F)

**Legal Authority:** PL 101-239, Sec 10308; PL 101-508, Sec 5111

**CFR Citation:** 20 CFR 404; 20 CFR 422

**Legal Deadline:** None

**Abstract:** This proposed regulation implements the requirement that HHS, beginning not later than October 1, 1990, provide individuals aged 25 or older, who have a Social Security number and have wages or net self-employment income, with a Social Security account statement upon request of the individual. Public Law 101-239, section 10308 also provides that by September 30, 1995, statements would be automatically provided to all such individuals who attain age 60 (but are not yet receiving benefits) before October 1, of the previous year and for

whom HHS can determine a current address. Starting in October 1999, statements would be automatically provided on an annual basis to those under age 60 as well. (Retirement benefit estimates would not be required in the case of persons under age 50 although a general description of benefits available upon retirement would be required.) Regulations implementing these latter two provisions are to be issued at a later date.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/91	56 FR 63893
NPRM Comment Period End	02/04/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

**RIN:** 0960-AD06

### 1026. SUPPLEMENTAL SECURITY INCOME; DETERMINING DISABILITY FOR A CHILD UNDER AGE 18 (275F)

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1302; 42 USC 1382c(a); 42 USC 1382h; 42 USC 1383; 42 USC 1383b

**CFR Citation:** 20 CFR 416.901; 20 CFR 416.902; 20 CFR 416.905; 20 CFR 416.906; 20 CFR 416.913; 20 CFR 416.916; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.923; 20 CFR 416.924; 20 CFR 416.924a; 20 CFR 416.924b; 20 CFR 416.924c; 20 CFR 416.924d; 20 CFR 416.924e

**Legal Deadline:** Final, Judicial, September 1992.

**Abstract:** These amendments revise the disability evaluation and determination process for Supplemental Security Income claims of children based on disability.

**Timetable:**

Action	Date	FR Cite
Final With Comment Period	02/11/91	56 FR 5534
Comment Period End	04/11/91	

Action	Date	FR Cite
Comment Period Extension	05/07/91	56 FR 21075
Extended Comment Period End	07/08/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cassandra Bond, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1754

**RIN:** 0960-AD09

### 1027. SUPPLEMENTAL SECURITY INCOME PROGRAM; FINANCIAL INSTITUTION ACCOUNTS IN THE SSI PROGRAM (278P)

**Legal Authority:** 42 USC 1383

**CFR Citation:** 20 CFR 416.1201(b); 20 CFR 416.1208 (New)

**Legal Deadline:** None

**Abstract:** Title XVI of the Act and SSI regulations are silent on the issue of how funds held in bank accounts are attributed for resource purposes. These regulations provide criteria to be used for determining ownership of financial institution accounts.

**Timetable:**

Action	Date	FR Cite
NPRM	05/27/92	57 FR 22187
NPRM Comment Period End	07/27/92	
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

**RIN:** 0960-AD10

### 1028. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; UPDATING NOMENCLATURE (264F)

**Significance:** Agency Priority



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**Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 404; 20 CFR 410; 20 CFR 416; 20 CFR 422

**Legal Deadline:** None

**Abstract:** This regulation amends current regulations to replace outdated nomenclature and terminology, to eliminate little used rules and provisions which are no longer in effect, and to correct technical errors such as misspellings and incorrect cross-references.

**Timetable:**

Action	Date	FR Cite
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cassandra Bond, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1794

**RIN:** 0960-AD11

**1029. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REOPENING DETERMINATIONS AND DECISIONS (279F)**

**Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383

**CFR Citation:** 20 CFR 404.987; 20 CFR 416.1487

**Legal Deadline:** None

**Abstract:** These proposed rules revise our current regulations to clarify that the Agency on its own initiative, as well as at the request of any person claiming a right under the Social Security or supplemental security income programs, may reopen and revise a final administrative determination or decision.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/91	56 FR 55477
NPRM Comment Period End	12/27/91	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

**RIN:** 0960-AD12

**1030. EXTENDING OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE COVERAGE TO CERTAIN STATE AND LOCAL GOVERNMENT EMPLOYEES (291F)**

**Legal Authority:** 42 USC 410a; PL 101-508, Sec 11332

**CFR Citation:** 20 CFR 404.1004; 20 CFR 404.1020; 20 CFR 404.1073; 20 CFR 404.1200; 20 CFR 404.1201; 20 CFR 404.1202

**Legal Deadline:** None

**Abstract:** These regulations reflect section 11332 of PL 101-508 which extends mandatory Old-Age, Survivors, and Disability Insurance Coverage to certain State and local government employees who are not participating in a public employee retirement system.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

**Agency Contact:** Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

**RIN:** 0960-AD18

**1031. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; SUSPENSION OF AUXILIARY BENEFITS WHEN A DISABLED WORKER IS IN AN EXTENDED PERIOD OF ELIGIBILITY (303F)**

**Legal Authority:** PL 101-508, Sec 5118

**CFR Citation:** 20 CFR 404.332; 20 CFR 404.337; 20 CFR 404.346; 20 CFR 404.352; 20 CFR 404.467; 20 CFR 404.1592a

**Legal Deadline:** None

**Abstract:** These regulations reflect section 5118 of PL 101-508, which amends section 223 of the Social Security Act to provide that the benefits of dependents of a disability

insurance beneficiary who has completed a 9 month trial work period and is in an extended period of eligibility, will not be paid during this period, if the disabled worker's benefits are not payable.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1795

**RIN:** 0960-AD30

**1032. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; CONTINUED ENTITLEMENT TO BENEFITS OF DEEMED SPOUSE DESPITE ENTITLEMENT OF LEGAL SPOUSE (304F)**

**Legal Authority:** PL 101-508, Sec 5119

**CFR Citation:** 20 CFR 404.331; 20 CFR 404.332; 20 CFR 404.336; 20 CFR 404.337; 20 CFR 404.340; 20 CFR 404.341; 20 CFR 404.346

**Legal Deadline:** None

**Abstract:** These regulations reflect section 5119 of PL 101-508, which amends section 216 and 203 of the Social Security Act to provide for the payment of benefits to both a legal spouse and a deemed spouse, or to both a legal widow and a deemed widow. That is, the existence of a legal spouse would no longer prevent a deemed spouse from receiving benefits on a worker's record or terminate the benefits of a deemed spouse who was already receiving benefits on the worker's record.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,



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6401 Security Boulevard, Baltimore, MD  
21235, 410 965-1759

RIN: 0960-AD31

**1033. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; EXTENSION OF THE PERIOD OF PRESUMPTIVE ELIGIBILITY FOR BENEFITS (316F)**

**Legal Authority:** PL 101-508, Sec 5033

**CFR Citation:** 20 CFR 416.931; 20 CFR 416.932

**Legal Deadline:** None

**Abstract:** These regulations will extend from 3 to 6 months the period for which benefits may be paid on the basis of presumptive disability or blindness pending a formal determination.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1754

RIN: 0960-AD40

**1034. SUPPLEMENTAL SECURITY INCOME FOR AGED, BLIND AND DISABLED; TECHNICAL CHANGES (323F)**

**Legal Authority:** PL 101-625, Sec 802; PL 101-503, Sec 8(b); PL 101-426, Sec 6(h)

**CFR Citation:** 20 CFR 416, subpart K, appendix; 20 CFR 416.1201; 20 CFR 416.1236

**Legal Deadline:** None

**Abstract:** We are amending the Supplemental Security Income regulations to make technical changes to update the regulations and restore text omitted from the CFR. The changes update the exclusions from income in statutes other than the Social Security Act, update our lists of such statutory exclusions from resources contained in Subpart L, and restore text inadvertently omitted from the CFR.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Duane Heaton, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, 410 965-8470

RIN: 0960-AD47

**1035. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; TIME LIMITS FOR DISPOSITION OF RESOURCES (330P)**

**Legal Authority:** 42 USC 1302; 42 USC 1382b(b)

**CFR Citation:** 20 CFR 416.1242

**Legal Deadline:** None

**Abstract:** We will publish a proposed revision to 20 CFR 416.1242(a) to indicate that the time period for disposal of property begins on the date SSA accepts the individual's signed written agreement, provided that, on or before that date, SSA has determined that the individual meets the eligibility requirements in 20 CFR 416.202, with the exception of the resource requirement. The proposed rules will further state that if SSA receives a signed agreement prior to the date it determines that all nonresource requirements are met, SSA's acceptance of the written agreement will not occur (and thus, the time period for disposal of property will not begin) until SSA notifies the individual that all nonresource requirements are met.

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/92	57 FR 29244
NPRM Comment Period End	08/31/92	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Henry Lerner, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security

Boulevard, Baltimore, Maryland 21235,  
410 965-1762

RIN: 0960-AD48

**1036. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; PAYMENTS FOR VOCATIONAL REHABILITATION SERVICES (333F)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382d; 42 USC 1383

**CFR Citation:** 20 CFR 404; 20 CFR 416

**Legal Deadline:** None

**Abstract:** These proposed rules amend our regulations governing payments to States on alternate participants for vocational rehabilitation (VR) services provided to disabled or blind Social Security or Supplemental Security Income beneficiaries. They expand the use of non-State VR providers in situations in which a State VR agency declines to provide services to a beneficiary; ensure in appropriate cases that payment may be made only for those VR services that contribute to a beneficiary's return to work; prescribe the specific kinds of VR services for which payment may be made; and make other changes intended to improve the VR payment programs.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/92	57 FR 32926
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** (Title Continued) Services.

**Agency Contact:** Jack Schanberger, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

RIN: 0960-AD50



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**1037. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS(337F)****Significance:** Regulatory Program**Legal Authority:** 42 USC 1302; 42 USC 1383**CFR Citation:** 20 CFR 416.933**Legal Deadline:** None

**Abstract:** This rule will incorporate into the regulations expanded procedures to make findings of presumptive disability for people who allege infection with the human immunodeficiency virus (HIV). The present regulations permit Social Security field offices to make findings of presumptive disability for HIV infection only upon confirmation by a licensed physician that an individual had a diagnosis of acquired immunodeficiency syndrome (AIDS). These revisions will affect individuals with HIV infection whose (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/91	56 FR 65714
NPRM Comment Period End	02/18/92	
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** (ABSTRACT CONT): disease manifestations are of listing-level severity.**Agency Contact:** Harry J. Short, Legal Assistant, Office of Regulations,

Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1753

**RIN:** 0960-AD51**1038. ● RESIDENCE AND CITIZENSHIP UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM—TEMPORARY PROTECTED STATUS (347F)****Legal Authority:** PL 101-649**CFR Citation:** 20 CFR 416.1619 (New)**Legal Deadline:** None

**Abstract:** This final regulation will incorporate into the Supplemental Security Income (SSI) regulations a provision of section 244A(f) of the Immigration and Nationality Act. Specifically, this final regulation will provide that an alien granted temporary protected status (TPS) by the Attorney General of the United States shall not be considered to be permanently residing in the United States under color of law during that period and therefore cannot be considered eligible for SSI benefits while in TPS status.

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Harry J. Short, Legal Assistant, Office of Regulations, Department of Health and Human

Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-6243

**RIN:** 0960-AD55**1039. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REORGANIZATION OF REGULATIONS (340P)****Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383**CFR Citation:** 20 CFR 404; 20 CFR 416**Legal Deadline:** None

**Abstract:** We are working on a reorganization of our regulations so that the numbering of the sections will conform with Federal Register requirements which state that section numbers with alpha characters should not be used in designating units within the CFR system.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Alicia Matthews, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1713

**RIN:** 0960-AD57**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)****Completed Actions****Social Security Administration (SSA)****1040. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES AND EXCLUSIONS; DEFINITION OF RESOURCES (221F)****CFR Citation:** 20 CFR 416.1201**Completed:**

Reason	Date	FR Cite
Final Action	08/10/92	57 FR 35459

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Irving Darrow, 410 966-0512

**RIN:** 0960-AC66**1041. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; AUTHORITY TO AMEND WAGE RECORDS AFTER EXPIRATION OF TIME LIMITATION (261F)****Significance:** Regulatory Program**CFR Citation:** 20 CFR 404**Completed:**

Reason	Date	FR Cite
Final Action	05/21/92	57 FR 21599

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Jack Schanberger, 410 965-8471

**RIN:** 0960-AC91



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**1042. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; INCLUSION OF CERTAIN DEFERRED COMPENSATION IN DETERMINATION OF WAGE-BASED ADJUSTMENTS (266F)**

CFR Citation: 20 CFR 404.143; 20 CFR 404.211; 20 CFR 404.272; 20 CFR 404.1048

Completed:

Reason	Date	FR Cite
Final Action	01/14/92	57 FR 1379

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phyllis Green, 410 956-9822

RIN: 0960-AD04

**1043. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS; COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS (280F)**

CFR Citation: 20 CFR 404.1200

Completed:

Reason	Date	FR Cite
Withdrawn	03/15/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Phyllis Green, 410 965-9822

RIN: 0960-AD13

**1044. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; COST OF LIVING AND OTHER DETERMINATIONS (285F)**

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Final Action	09/24/92	57 FR 44095

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, 410 965-1762

RIN: 0960-AD15

**1045. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; REPEAL OF THE SPECIAL DISABILITY STANDARD FOR WIDOWS AND WIDOWERS (293F)**

CFR Citation: 20 CFR 404.335; 20 CFR 404.336; 20 CFR 404.1501(i); 20 CFR 404.1505; 20 CFR 404.1511; 20 CFR 404.1560(a); 20 CFR 404.1577; 20 CFR 404.1578; 20 CFR 404.1579; 20 CFR 404.1594

Completed:

Reason	Date	FR Cite
Final Action	07/08/92	57 FR 30116

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra Bond, 410 965-5178

RIN: 0960-AD20

**1046. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; APPLICABILITY OF ADMINISTRATIVE RES JUDICATA (297P)**

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn	06/02/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, 410 965-1769

RIN: 0960-AD24

**1047. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; LIMITATION ON NEW ENTITLEMENT TO SPECIAL AGE-72 PAYMENTS (300F)**

CFR Citation: 20 CFR 404.381(a)

Completed:

Reason	Date	FR Cite
Final Action	05/21/92	57 FR 21598

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra Bond, 410 965-1794

RIN: 0960-AD27

**1048. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; CONSOLIDATION OF OLD METHODS OF COMPUTING PRIMARY INSURANCE AMOUNTS (302F)**

CFR Citation: 20 CFR 404.110; 20 CFR 404.111; 20 CFR 404.241

Completed:

Reason	Date	FR Cite
Final Action	06/02/92	57 FR 23155

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, 410 965-1769

RIN: 0960-AD29

**1049. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; REDUCTION IN EARNINGS NEEDED FOR A YEAR OF COVERAGE TOWARD THE SPECIAL MINIMUM BENEFIT (306F)**

CFR Citation: 20 CFR 404; 20 CFR 404.213; 20 CFR 404, subpart C appendix IVV

Completed:

Reason	Date	FR Cite
Final Action	05/28/92	57 FR 22428

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, 410 965-1762

RIN: 0960-AD32

**1050. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; EXCLUSION OF ONE AUTOMOBILE FROM RESOURCES (321P)**

CFR Citation: 20 CFR 416.1218

Completed:

Reason	Date	FR Cite
Withdrawn	08/05/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, 410 965-1762

RIN: 0960-AD42



HHS—SSA

Completed Actions

**1051. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; FEES FOR REPRESENTATIVE PAYEE SERVICES (322P)**

CFR Citation: 20 CFR 404.903; 20 CFR 404.2040a (New); 20 CFR 416.640a (New); 20 CFR 416.1403

**Completed:**

Reason	Date	FR Cite
Final Action	06/01/92	57 FR 23054

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, 410 965-1769

RIN: 0960-AD43

**1052. OLD-AGE SURVIVORS AND DISABILITY INSURANCE; EXTENSION OF EXPIRATION DATE FOR RESPIRATORY SYSTEM LISTING (331F)**

CFR Citation: 20 CFR 404.1500ff, appendix 1

**Completed:**

Reason	Date	FR Cite
Final Action	11/07/91	56 FR 60050

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra Bond, 410 965-1754

RIN: 0960-AD44

**1053. ● DETERMINING DISABILITY AND BLINDNESS; EXTENSION OF EXPIRATION DATE FOR MUSCULOSKELETAL SYSTEM LISTING (344F)**

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, appendix 1

Legal Deadline: None

Abstract: This final regulation extends the date on which the musculoskeletal system listings found in Appendix 1 of Part 404, Subpart P (Listing of Impairments with regard to disability determinations) will no longer be

effective from June 8, 1992 to December 6, 1993. The Listing of Impairments describe impairments considered severe enough to prevent an individual from doing any gainful activity or, in the case of a child under age 18, age-appropriate activities.

**Timetable:**

Action	Date	FR Cite
Final Action	06/05/92	57 FR 23946

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 966-0512

RIN: 0960-AD53

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

Final Rule Stage

**Public Health Service (PHS)—Office of Assistant Secretary for Health (OASH)**

**1054. EXEMPT PRIVACY ACT SYSTEM OF RECORDS RELATED TO INQUIRIES AND INVESTIGATIONS OF SCIENTIFIC MISCONDUCT**

Legal Authority: 5 USC 552a; 5 USC 301

CFR Citation: 45 CFR 5b

Legal Deadline: None

Abstract: The Department of Health and Human Services proposes to exempt a new system of records, 09-37-0021, "Public Health Services Records Related to Inquiries and Investigations" from certain requirements of the Privacy Act. The purpose of this

exemption is to protect records compiled in the course of an inquiry and/or investigation and to protect the identity of the confidential source of information. There are no known costs associated with the NPRM. The benefits will be that the investigative files will not be disclosed inappropriately and promises to withhold identities of individuals will be honored.

**Timetable:**

Action	Date	FR Cite
NPRM	06/12/92	57 FR 25004
NPRM Comment Period End	07/13/92	57 FR 25004

Action	Date	FR Cite
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Final Action 01/00/93

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Lyle W. Bivens, Dir., Office of Scientific Integrity Review, Department of Health and Human Services, Public Health Service, 5515 Security Lane, Suite 640, Rockville, MD 20852, 301 443-5300

RIN: 0905-AD31



## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

## Public Health Service (PHS)—Substance Abuse and Mental Health Services Administration (SAMHSA)

**1055. WAIVERS TO REQUIREMENT THAT STATES SPEND AT LEAST A CERTAIN PORTION OF STATE BLOCK GRANT FUNDS FOR NEW MENTAL HEALTH SERVICES AND PROGRAMS****Significance:** Regulatory Program**CFR Citation:** 45 CFR 96**Completed:**

Reason	Date	FR Cite
Withdrawn -	10/01/92	
Superseded by Pub. L. 102-321, sec. 201, enacted	7/10/92	

**Small Entities Affected:** None**Government Levels Affected:** Local, State**Agency Contact:** William A. Quinlan, Jr., 301 443-4640**RIN:** 0905-AC99

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

## Public Health Service (PHS)—Centers for Disease Control (CDC)

**1056. NIOSH REVISION OF TESTS AND REQUIREMENTS FOR CERTIFICATION OF RESPIRATORY PROTECTIVE DEVICES****Significance:** Regulatory Program**Legal Authority:** 30 USC 842(h); 30 USC 844; 30 USC 957**CFR Citation:** 30 CFR 11; 42 CFR 84**Legal Deadline:** None

**Abstract:** The proposed rule addresses three major problems of the current regulation by (1) substantially upgrading laboratory performance tests for certifying respirators; (2) adding quantitative face seal performance tests; and (3) replacing current certification tests that are design- or application-specific with tests that are performance-based. The first NPRM for revising 42 CFR part 84 was published in the Federal Register on August 27,

1987 (52 FR 32402). In response to the many comments on the first proposal, NIOSH is in the process of developing a second NPRM.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32402
First Public Hearing	01/20/88	52 FR 37639
Second Public Hearing	01/27/88	52 FR 37639
NPRM Public Comment Period End	03/28/88	53 FR 5595
Second NPRM Published	02/00/93	
Second NPRM Comment Period End	05/00/93	
Final Action	12/00/93	
Final Action Effective	12/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Public Compliance Cost:** Initial Cost: \$14,000,000; Yearly Recurring Cost: \$14,000,000; Base Year for Dollar Estimates: 1992**Analysis:** Regulatory Impact Analysis; Regulatory Flexibility Analysis**Additional Information:** Yearly recurring cost to public will drop from \$14,000,000 to \$6,400,000 in year six and all following years.**Agency Contact:** Dr. Nelson A. Leidel, Senior Science Advisor, Office of the Director, NIOSH, Department of Health and Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, MS D37, Atlanta, GA 30333, 404 639-2277**RIN:** 0905-AB58

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

## Public Health Service (PHS)—Centers for Disease Control (CDC)

**1057. INTERSTATE SHIPMENT OF BIOLOGICAL MATERIAL THAT CONTAINS OR MAY CONTAIN ETIOLOGIC AGENTS****Significance:** Agency Priority**Legal Authority:** 42 USC 216; 42 USC 264; 42 USC 271**CFR Citation:** 42 CFR 72**Legal Deadline:** None

**Abstract:** The revised regulation will clarify and expand the requirements for proper packaging and handling of etiologic agents during interstate shipment. The revised regulation will ensure that all biological material that could contain etiologic agents is

packaged in a manner for interstate shipment that minimizes the potential for leakage and possible contamination of the environment and minimizes direct physical contact with the contents by package handlers. The revised regulation is not expected to have a major impact on the cost of shipping these materials.

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/90	55 FR 7678
NPRM Comment Period End	05/09/90	55 FR 7678
Final Action	11/00/92	
Final Action Effective	02/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Jonathan Y. Richmond, Ph.D., Director, Office of Health and Safety, Centers for Disease Control, Department of Health and Human Services, Public Health Service, 1600 Clifton Road NE., Atlanta, GA 30333, 404 639-3883**RIN:** 0905-AC89**1058. MEDICAL EXAMINATION OF ALIENS****Significance:** Agency Priority



HHS—PHS—CDC

Final Rule Stage

**Legal Authority:** 8 USC 1182; 8 USC 1224; 8 USC 1225; 8 USC 1220; 42 USC 249; 42 USC 252; PL 101-71; PL 101-649

**CFR Citation:** 42 CFR 34

**Legal Deadline:** Final, Statutory, May 31, 1991.

**Abstract:** This is a proposed revision in the regulations for the medical examination of aliens. The regulations were developed to provide for the physical and mental examination of aliens within the United States or in other countries as required by the Immigration and Nationality Act. This

revision would update the regulations in accordance with current epidemiologic concepts and medical diagnostic standards.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/31/91	56 FR 25000
Interim Final Comment Period End	08/02/91	56 FR 25000
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Charles R. McCance, Director, Division of Quarantine, Department of Health and Human Services, Public Health Service, Centers for Disease Control, Mailstop E-04, Atlanta, GS 30333, 404 639-1455

**RIN:** 0905-AD29

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

## Public Health Service (PHS)—Food and Drug Administration (FDA)

## 1059. COMPUTER PRODUCTS; POLICY GUIDANCE

**Legal Authority:** 21 USC 321(h)

**CFR Citation:** 21 CFR 800

**Legal Deadline:** None

**Abstract:** As a prerulemaking activity, FDA is developing guidance for manufacturers respecting how FDA would apply existing statutory requirements to the regulation of computer products (i.e., both hardware and software) when such products meet the definition of a medical device under the act.

On September 25, 1987, FDA made available a draft policy guidance intended to clarify how FDA would apply existing statutory requirements to the regulation of such products to provide opportunity for public participation in this activity.

Upon analysis of the public comments on the complex issues pertaining to the regulation of computer products, the agency will decide whether any additional steps are necessary to clarify which computer products meet the definition of a medical device and what level of regulation, if any, is appropriate under the act.

**Timetable:**

Action	Date	FR Cite
Proposed Draft Guideline	09/25/87	52 FR 36104
Final Policy Guidance	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Charles S. Furfine, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 12720 Twinbrook Parkway, Rockville, MD 20852, 301 443-4874

**RIN:** 0905-AC72

## 1060. ● REGULATION OF THE COLLECTION, PROCESSING, AND DISTRIBUTING OF SPERM INTENDED FOR ARTIFICIAL INSEMINATION

**Significance:** Agency Priority

**Legal Authority:** 42 USC 264

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** FDA will request public comment and information on a plan to

promulgate requirements related to the collection, processing, and distribution of human sperm intended for artificial insemination (sperm banking). FDA's intent in regulating sperm banking is to assure that communicable disease is not transmitted through artificial insemination. FDA will request the submission of both scientific and economic information to help the agency in designing a regulatory program that will meet the agency's objectives while being of minimum economic burden to the industry.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Andrea Chamblee, Regulatory Counsel, Department of Health and Human Services, Public Health Service, Center for Biologics Evaluation and Research, (HFB-130) 800 Rockville Pike, Bethesda, MD 20892, 301 295-8188

**RIN:** 0905-AD80

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

## Public Health Service (PHS)—Food and Drug Administration (FDA)

## 1061. POLICIES CONCERNING USES OF SULFITING AGENTS

**Significance:** Agency Priority

**Legal Authority:** 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC

321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 336 Federal Food, Drug, and Cosmetic Act; 21 USC 341 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug,



HHS—PHS—FDA

Proposed Rule Stage

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 100; 21 CFR 130.9

**Legal Deadline:** None

**Abstract:** Acceptable evidence and information exist 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 in 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). On December 10, 1987, FDA announced its tentative conclusion that there is no longer a basis to find that the use of sulfiting agents on "fresh" potatoes served or sold unpackaged to consumers is GRAS. On December 19, 1988, FDA proposed to affirm, with specific limitations, that certain other uses of sulfiting agents are GRAS (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 Fresh Potatoes**

NPRM-To be Merged w/Frozen Potatoes  
12/10/87 (52 FR 46968)  
Final Action 03/15/90 (55 FR 9326)

**GRAS Status of Certain Other Food Uses of Sulfiting Agents, Etc.**

NPRM 12/19/88 (53 FR 51065)  
Final Action 03/00/93

**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)

**Status of the Use of Sulfiting Agents on Fresh & Frozen Potatoes**

NPRM 03/00/93

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information: ABSTRACT**

CONT: and to establish labeling requirements for sulfiting agents in standardized foods.

On March 15, 1990 (55 FR 9826), FDA issued a final rule prohibiting the use of sulfiting agents on "fresh" potatoes (55 FR 9826) and requested data and information concerning the use of sulfiting agents on frozen potatoes (55 FR 9834).

On August 3, 1990, the United States District Court for the Middle District of Pennsylvania declared the final rule concerning fresh potatoes to be "null and void" based on perceived procedural defects in the rulemaking proceeding. The Government appealed the district court's decision. On May 22, 1991, the U.S. Court of Appeals for the Third Circuit en banc affirmed, by an equally divided vote and without opinion, the decision of the district court invalidating on procedural grounds FDA's final rule revoking the GRAS status of the use of sulfiting agents on fresh potatoes.

FDA's repropoed rule will include the GRAS status of sulfiting agents on both fresh and frozen potatoes.

**Agency Contact:** Robert L. Martin, Supervisor Consumer Safety Officer, 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, 202 254-9519

**RIN:** 0905-AB52

**1062. INFANT FORMULA ACT**

**Significance:** Regulatory Program

**Legal Authority:** 21 USC 350a Federal Food, Drug, and Cosmetic Act; PL 99-570 Infant Formula Act of 1986

**CFR Citation:** 21 CFR 107; 21 CFR 108

**Legal Deadline:** None

**Abstract:** The agency published on December 24, 1991, a final rule implementing the Infant Formula Act of 1986. The rule establishes infant formula record and record retention requirements. The agency is also preparing a proposed rule that will establish current good manufacturing practice regulations and strengthen the agency's existing quality control procedures for infant formulas.

**Timetable:**

**Infant Form Cons Comp, Micro Test & Recd Retention Req**

NPRM 01/26/89 (54 FR 3783)  
NPRM (Comment Period End) 03/27/89 (54 FR 3783)  
Final Action 12/24/91 (56 FR 66566)

**Infant Formula Current Good Practices; Qual Control Proc**

NPRM 12/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Kenneth J. Falci, Chief, Regulatory Affairs Staff, ONFS, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204) 200 C Street SW., Washington, DC 20204, 202 485-3117

**RIN:** 0905-AC46

**1063. CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD & BLOOD COMPONENTS; NOTIFICATION OF CONSIGNEES RECEIVING BLOOD & BLOOD COMPONENTS AT INCREASED RISK FOR TRANSMITTING HIV INFECTION**

**Significance:** Regulatory Program

**Legal Authority:** 21 USC 351 to 360k; 21 USC 374; 42 USC 262 to 264

**CFR Citation:** 21 CFR 606; 21 CFR 610

**Legal Deadline:** None

**Abstract:** The agency currently requires that all blood and blood components intended for the manufacture of any product be tested for antibody to human immunodeficiency virus (HIV). In instances when the blood of a donor is found to contain antibodies to HIV, some blood centers have initiated a program of voluntary "look-back" to notify consignees of blood and blood components obtained from the donor's prior donations. Consignees may withdraw or destroy such blood and blood products, and may trace and notify recipients. A well-conducted look-back program can provide an effective mechanism for identifying, testing, and counseling transfusion recipients who are at increased risk of HIV infection--those who receive blood from a donor later found to be infected with HIV. The agency is considering a proposal to establish a mandatory look-back program. The proposal would require blood collection facilities to develop a procedure to notify



HHS—PHS—FDA

Proposed Rule Stage

consignees promptly whenever a blood donor who has previously donated blood or source plasma is found to be positive for the antibody to HIV; and to keep appropriate records (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** ABSTRACT CONT: when such notification has been made. The purpose of the rulemaking is to ensure that the consignees are notified and take appropriate action.

**Agency Contact:** Andrea Chamblee, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-132), 8800 Rockville Pike, Bethesda, MD 20892, 301 295-8188

**RIN:** 0905-AC90

**1064. LEAD IN FOODS**

**Significance:** Regulatory Program

**Legal Authority:** 21 USC 321; 21 USC 336; 21 USC 342(a); 21 USC 346; 21 USC 346a; 21 USC 348; 21 USC 371

**CFR Citation:** 21 CFR 109; 21 CFR 182; 21 CFR 189

**Legal Deadline:** None

**Abstract:** In light of the public health concerns raised by continuing findings concerning the effects of low levels of exposure to lead, particularly exposure by pregnant women, infants, and children, the agency is undertaking a comprehensive effort to further reduce lead levels in food where controllable or avoidable sources of lead addition to food can be identified. The goal of FDA is to reduce consumer's exposure to lead in the diet to the lowest level that can be practicably obtained. FDA has identified several potential sources of dietary lead exposure that it intends to address in proposed rules in its initiatives to reduce exposure to lead in the diet. The agency is also considering rulemaking concerning lead glazed

ceramic foodware based upon a June 1, 1989 NPRM ( 54 FR 23485).

**Timetable:**

Action	Date	FR Cite
NPRM	06/01/89	54 FR 23485
NPRM Comment Period End	07/31/89	54 FR 23485

**Prohibit Use of Lead Soldered Food Cans**  
NPRM 10/00/92

**Prohibit Use of Tin-Coated Lead Foil Capsules on Wine Bottles**  
NPRM 10/00/92

**Specifications for Lead in Calcium Supplements that are GRAS**  
NPRM 11/00/92

**Tolerance for Lead in Wine**  
NPRM 11/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Michael E. Kashtock, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street SW., Washington, DC 20204, 202 405-0229

**RIN:** 0905-AC91

**1065. FOOD LABELING REVIEW**

**Significance:** Regulatory Program

**Legal Authority:** 15 USC 1453 Fair Packaging and Labeling Act; 15 USC 1454 Fair Packaging and Labeling Act; 15 USC 1455 Fair Packaging and Labeling Act; 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 331 Federal Food, Drug, and Cosmetic Act; 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 371 Federal Food, Drug, and Cosmetic Act; PL 101-535 Nutrition Labeling and Education Act of 1990

**CFR Citation:** 21 CFR 101

**Legal Deadline:** NPRM, Statutory, November 8, 1991. Final, Statutory, November 8, 1992.

If final regulations are not issued by 11/08/92, the proposed regulations shall be considered the final regulations.

**Abstract:** The agency issued an advance notice of proposed rulemaking on August 8, 1989, requesting public comment on possible changes in the labeling of food products regulated by FDA. The agency sought public comment on five areas: 1) whether to revise the requirements for nutrition

labeling; 2) whether to change the nutrition label format on food packages; 3) whether to revise the requirements for ingredient labeling; (4) whether to formally define commonly used food descriptions and/or reconsider the use of standards of identity for foods; and (5) how to reasonably permit the use of messages on food labels that link food components to the prevention of disease. The agency also held four public hearings (see September 20, 1989; 54 FR 38806) to gather first-hand the views of consumers, industry, health professionals, and State and local government officials about labeling revisions. The agency issued three proposed regulations on July 19, 1990, that addressed nutrition labeling. On November 8, 1990, the President signed into law the Nutrition Labeling and Education Act of 1990. This Act requires that most foods bear nutrition labeling. The Act required that necessary (cont)

**Timetable:**

**Cholesterol Free, Low Cholesterol, & "\_\_\_\_\_ " Percent Fat Free Claim**  
NPRM 11/27/91 (56 FR 60507)  
Final Action 11/00/92

**Common or Usual Name for Nonstandard Foods, Diluted Juice Bev.**

ANPRM (Declaration of Ingredients)  
08/08/89 (54 FR 32610)

NPRM (Declaration of Ingredients)  
07/02/91 (56 FR 30452)

NPRM (Delay of Statutory Eff. Date)  
11/27/91 (56 FR 60877)

Final Action (Declaration of Ing.) 11/00/92

**Declaration of Ingredients**

ANPRM 08/08/89 (54 FR 32610)

NPRM 06/21/91 (56 FR 28592)

NPRM (Delay of Statutory Eff. Date)  
11/27/91 (56 FR 60877)

Final Action 11/00/92

**Fat, Fatty Acid, and Cholesterol Content of Food**

NPRM 11/25/86 (51 FR 42584)

ANPRM 08/08/89 (54 FR 32610)

Final Action (Tentative) 07/19/90 (55 FR 29456)

NPRM 11/27/91 (56 FR 60478)

Final Action 11/00/92

**Health Claims; Antioxidant Vitamins and Cancer**

NPRM 11/27/91 (56 FR 60624)

Final Action 11/00/92

**Health Claims; Calcium and Osteoporosis**

NPRM 11/27/91 (56 FR 60689)

Final Action 11/00/92

**Health Claims; Dietary Fiber and Cancer**

NPRM 11/27/91 (56 FR 60566)

Final Action 11/00/92

**Health Claims; Dietary Fiber and Cardiovascular Disease**

NPRM 11/27/91 (56 FR 60582)

Final Action 11/00/92



## HHS—PHS—FDA

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**Health Claims; Dietary Lipids and Cancer**  
NPRM 11/27/91 (56 FR 60764)  
Final Action 11/00/92

**Health Claims; Folic Acid and Neural Tube Defects**  
NPRM 11/27/91 (56 FR 60610)  
Final Action 11/00/92

**Health Claims; Lipids and Cardiovascular Disease**  
NPRM 11/27/91 (56 FR 60727)  
Final Action 11/00/92

**Health Claims; Omega-3 Fatty Acids and Coronary Heart Disease**  
NPRM 11/27/91 (56 FR 60663)  
Final Action 11/00/92

**Health Claims; Sodium/Hypertension**  
NPRM 11/27/91 (56 FR 60825)  
Final Action 11/00/92

**Health Claims; Zinc and Immune Function in the Elderly**  
NPRM 11/27/91 (56 FR 60652)  
Final Action 11/00/92

**Misbranding Sections of Act Adequately Implemented by Regulations**  
Notice of Intent 10/24/91 (56 FR 55130)  
NPRM 10/00/92  
Final Action 11/00/92

**Nutrient Content, Gen. Principles, Petitions, Def. of Terms**  
ANPRM 08/08/89 (54 FR 32610)  
NPRM 11/27/91 (56 FR 60421)  
Final Action 11/00/92

**Nutrition Label Format**  
Notice 05/20/91 (56 FR 23072)  
Notice 07/01/91 (56 FR 29963)  
NPRM 10/00/92  
Final Action 11/00/92

**Nutrition Labeling of Raw Fruit, Vegetables, and Fish**  
NPRM (Voluntary Guidelines) 07/02/91 (56 FR 30468)  
Final Action 11/27/91 (56 FR 60680)

**Regulatory Impact Analysis**  
NPRM 11/27/91 (56 FR 60856)  
Final Action 11/00/92

**Requirements for Health Claims for Food**  
ANPRM 08/08/89 (54 FR 32610)  
NPRM (Reproposed) 02/13/90 (55 FR 5176)  
NPRM 11/27/91 (56 FR 60537)  
Final Action 11/00/92

**Requirements for Substitute Foods Named By Use of a Standard Term**  
ANPRM 08/08/89 (54 FR 32610)  
NPRM 11/27/91 (56 FR 60512)  
Final Action 11/00/92

**RDI's & DRV's; Mandatory Status of Nut. Lab. & Nutrient Content**  
ANPRM 08/08/89 (54 FR 32610)  
NPRM 07/19/90 (55 FR 29476)  
NPRM 07/19/90 (55 FR 29487)  
NPRM 11/27/91 (56 FR 60366)  
Final Action 11/00/92

**Serving Sizes**  
ANPRM 08/08/89 (54 FR 32610)  
NPRM 07/19/90 (55 FR 29517)  
NPRM 02/26/91 (56 FR 8084)  
NPRM 11/27/91 (56 FR 60394)  
Final Action 11/00/92

**State Enforcement of the NLEA of 1990**  
NPRM 11/27/91 (56 FR 60534)  
Final Action 11/00/92

**State Petitions Requesting Exemption From Federal Preemption**

NPRM 11/27/91 (56 FR 60528)  
Final Action 11/00/92

**Use of Nutrient Content Claims for Butter**

ANPRM 08/08/89 (54 FR 32610)  
NPRM 11/27/91 (56 FR 60523)  
Final Action 11/00/92

**Small Entities Affected:** Businesses**Government Levels Affected:** State, Federal

**Additional Information:** ABSTRACT CONT: regulations be proposed within 12 months of the date of enactment. FDA used information gathered from the responses to the August 1989 advanced notice of proposed rulemaking, the comments on the July 1990 proposed rules, and the report of the National Academy of Sciences to help the agency develop the necessary regulations. RIN 0905-AB67 Food Labeling: Health Messages and Label Statements and RIN 0905-AB68 Food Labeling: Definition of Nutrient Content Claims for the Fat, Fatty Acid, and Cholesterol Content of Food, have been consolidated into RIN 0905-AD08. The Adjectival Descriptors document has been renamed the Nutrient, Content Claims, General Principles, Petitions, Definition of Terms document.

**Agency Contact:** F. Edward Scarbrough, Director, Office of Nutrition and Food Sciences, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-200), 200 C Street SW., Washington, DC 20204, 202 245-1561

**RIN:** 0905-AD08**1066. IMPLEMENTATION OF TITLE I OF THE GENERIC ANIMAL DRUG AND PATENT TERM RESTORATION ACT****Significance:** Regulatory Program**Legal Authority:** 21 USC 360b**CFR Citation:** 21 CFR 514**Legal Deadline:** Final, Statutory, November 15, 1989.

**Abstract:** The agency proposes to amend its regulations to implement title I of the Generic Animal Drug and Patent Term Restoration Act which established new standards for marketing approval of generic copies of animal drug products approved after 1962.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None

**Agency Contact:** Lonnie W. Luther, Chief, Generic Animal Drug and Quality Control Staff, Department of Health and Human Services, Public Health Service, Center for Veterinary Medicine (HFV-102), 7500 Standish Place, Rockville, MD 20855, 301 295-8623

**RIN:** 0905-AD15**1067. VOLUNTARY, FEE-FOR-SERVICE SEAFOOD INSPECTION PROGRAM****Significance:** Regulatory Program**Legal Authority:** 21 USC 372a**CFR Citation:** 21 CFR 197**Legal Deadline:** None

**Abstract:** The Food and Drug Administration and the National Marine Fisheries Service are exploring the feasibility of establishing a voluntary, fee-for-service inspection program for fish and fish products, to be operated by both agencies.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/27/90	55 FR 26334
ANPRM	10/05/90	55 FR 36289
Comment Period End		
NPRM	02/00/93	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

**Agency Contact:** Mary Snyder, Chief, Policy Branch, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety & Applied Nutrition Office of Seafood, 200 C Street SW., Washington, DC 20204, 202 254-3888

**RIN:** 0905-AD23**1068. PRESCRIPTION DRUG MARKETING ACT OF 1987; POLICY INFORMATION, GUIDANCE, AND CLARIFICATIONS****Legal Authority:** PL 100-293

Prescription Drug Marketing Act of 1987

**CFR Citation:** 21 CFR 203**Legal Deadline:** None



**Abstract:** The Prescription Drug Marketing Act of 1987 (PDMA) amended the Federal Food, Drug, and Cosmetic Act to: (1) require State licensing of wholesale distributors of prescription human drugs under Federal guidelines including minimum standards for storage, handling, and recordkeeping; (2) ban the reimportation of prescription human drugs produced in the United States, except when reimported by the manufacturer for emergency use; (3) ban the sale, trade, or purchase of drug samples; (4) ban trafficking in or counterfeiting of drug coupons; (5) mandate storage, handling, and recordkeeping requirements for drug samples; (6) require licensed practitioners to request drug samples in writing; (7) prohibit, with certain exceptions, the resale of prescription human drugs purchased by hospitals or health care facilities; and (8) set forth criminal and civil penalties for violations of these provisions. In the Federal Register of September 14, 1990 (55 FR 38012), FDA issued a final rule setting forth Federal guidelines for State licensing of wholesale drug distributors. This proposed rule would provide (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT CONT: information, guidance, and clarification of those sections of PDMA that are not related to State licensing of wholesale distributors.

**Agency Contact:** Richard L. Arkin, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 7500 Standish Place, Rockville, MD 20855, 301 295-8049

**RIN:** 0905-AD44

**1069. IMPLEMENTATION OF THE SAFE MEDICAL DEVICES ACT OF 1990**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-629 Safe Medical Devices Act of 1990

**CFR Citation:** 21 CFR 860; 21 CFR 820; 21 CFR 807; 21 CFR 803; 21 CFR 17 (New); 21 CFR 812; 21 CFR 7; 21 CFR

814; 21 CFR 821 (New); 21 CFR 861; 21 CFR 895

**Legal Deadline:** NPRM, Statutory, August 28, 1991. Final, Statutory, November 16, 1992. Other, Statutory, December 1, 1991.

Medical Device Tracking NPRM, 8/28/91; Medical Device Tracking Final, 11/16/92; Exemption of Humanitarian Devices, etc., Final, 11/28/91; Classification of Transitional Devices Notice, 12/1/91.

**Abstract:** The Safe Medical Devices Act of 1990 (SMDA), enacted November 28, 1990, was intended to assure marketed devices are safe and effective, FDA learns quickly of device problems, and has authority to remove defective devices from the market. The act directs or authorizes FDA to develop these regulations: Medical Device Reporting--This rule will require healthcare facilities and distributors to report deaths and serious injuries/illnesses related to medical devices. Medical Device Tracking--This regulation will require manufacturers to track certain devices to the user. Classification of Transitional Devices--FDA issued a notice to require submission of adverse safety and effectiveness data on transitional devices. FDA will now propose to keep each device in class III, or reclassify it in class I or II. Good Manufacturing Practices for Medical Devices--FDA will propose to add preproduction design validation in existing CGMP regulations. Exemption of Humanitarian Devices--A proposed rule will give procedures for applications for certain premarket review exemptions for humanitarian devices. (cont)

**Timetable:**

**Assignment of Agency Component for Review of Premarket Applicns**  
 Notice (Public Hearing) 07/12/91 (56 FR 31951)  
 Final Action 11/21/91 (56 FR 31951)

**Civil Penalties - Hearing Procedures**  
 NPRM 12/00/92

**Classification of Transitional Devices**  
 Notice 11/14/91 (56 FR 57960)  
 Notice 12/00/92

**CGMPs for Medical Devices**  
 ANPRM (Revisions;Request for Cmnts) 06/15/90 (55 FR 24544)  
 ANPRM (Suggested Changes;Availblty) 11/30/90 (55 FR 49644)  
 ANPRM (Extension of Comment Period) 02/14/91 (56 FR 5965)  
 Notice (Open Public Advsy Cmte Mtg) 04/17/91 (56 FR 15626)  
 NPRM 03/00/93

**Exemption of Humanitarian Devices**  
 NPRM 10/00/92

**Medical Device Reporting**  
 Notice (Public Conf.;Rqst for Info) 03/28/91 (56 FR 12934)  
 NPRM 11/26/91 (56 FR 60024)  
 Final Action 03/00/93

**Medical Device Tracking**  
 NPRM 03/27/92 (57 FR 10702)  
 NPRM 05/29/92 (57 FR 22971)  
 Final Action 11/00/92

**Miscellaneous Procedural Changes In Medical Device Regulations**  
 Final Action 10/00/92

**Postmarket Surveillance**  
 NPRM 03/00/93

**Pre-Amendment Class III Devices**  
 Notice 10/00/92

**Recall of Medical Devices**  
 NPRM 12/00/92

**Reports of Removals and Corrections of Medical Devices**  
 NPRM 12/00/92

**Safe Medical Devices Act of 1990; Implementation Plans**  
 Notice 04/05/91 (56 FR 14111)

**Summaries of Safety & Effectiveness for Premarket Notification**  
 Final Action 04/28/92 (57 FR 18062)  
 Notice (Stay of Effective Date) 06/01/92 (57 FR 23059)  
 Final Action 06/00/93

**Temporary Suspension of a Premarket Approval Application**  
 NPRM 12/00/92

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT CONT: Summaries of Safety and Effectiveness for Premarket Notification--A final rule will set forth information to be included in data summaries on which substantial equivalence determinations are made. Recall of Medical for Devices--FDA will propose procedures for using its authority to order device recalls and notifications. Reports of Removal and Corrections-- FDA will propose procedures for manufacturers to report to FDA health-related market removals and corrections of devices. Civil Penalties--FDA intends to issue regulations to establish procedures for a hearing to which persons are entitled before the imposition of civil penalties. Procedural Changes in Medical Device Regulations--A final rule will address revisions in regulations necessary because of procedural changes made by the SMDA. Premarket Review of Combination Products--FDA published a final rule establishing procedures for determining which FDA center will review premarket approval applications



HHS—PHS—FDA

Proposed Rule Stage

for products that are a combination of a device and a drug or biologic.

**Agency Contact:** Joseph M. Sheehan, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, 12720 Twinbrook Parkway, Rockville, MD 20852, 301 443-4874

**RIN:** 0905-AD59

### 1070. MANDATORY HACCP SEAFOOD INSPECTION PROGRAM

**Significance:** Agency Priority

**Legal Authority:** 21 USC 342 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 264 Public Health Service Act

**CFR Citation:** 21 CFR 123

**Legal Deadline:** None

**Abstract:** The Food and Drug Administration is considering incorporating additional Hazard Analysis Critical Control Point (HACCP) principles into its proposal of mandatory seafood inspections. HACCP involves the identification and monitoring of "critical control points" in a processing or other operation the failure of which can render a product adulterated. HACCP has been strongly endorsed by the National Academy of Sciences for incorporation by the seafood industry.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Philip Spiller, Deputy Director, Office of Seafood, Department of Health and Human Services, Public Health Service, Center for Food Safety and Applied Nutrition, (HFF-500) 200 C Street SW., Washington, DC 20204, 202 254-3885

**RIN:** 0905-AD60

### 1071. ● BOTTLED WATER

**Significance:** Regulatory Program

**Legal Authority:** 21 USC 341; 21 USC 343(h); 21 USC 349; 21 USC 371(a)

**CFR Citation:** 21 CFR 103

**Legal Deadline:** Other, Statutory.

Within 180 days of EPA final action.

**Abstract:** In fulfillment of its mandate under the Safe Drinking Water Act, EPA is currently in the midst of reviewing and establishing standards for contaminants in public drinking water such as pathogenic bacteria, pesticides and organic chemicals. When EPA establishes such standards for public drinking water, FDA is required to take appropriate action to amend its regulations for bottled drinking water or state its reasons for not doing so.

#### Timetable:

Microbiological Quality Standard	Quality Standard for Lead and Copper	Quality Standard for Mineral Water	Quality Standards for 39 Contaminants	Quality Standards for 7 Volatile Organic Chemicals
NPRM 10/00/92	NPRM 10/00/92	NPRM 07/31/92	NPRM 10/00/92	NPRM 03/21/91 (56 FR 11979)
				Final Action 07/31/92

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Michael E. Kashtock, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street SW., Washington, DC 20204, 202 205-5229

**RIN:** 0905-AD65

### 1072. ● REPORTING OF ERRORS AND ACCIDENTS RELATING TO BLOOD SAFETY AND WITHDRAWAL OF PREVIOUSLY PROPOSED RULE

**Significance:** Agency Priority

**Legal Authority:** 21 USC 321 Food, Drug and Cosmetic Act; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360; 21 USC 360i; 21 USC 371; 21 USC 374; 42 USC 216 Public Health Service Act; 42 USC 262 to 264

**CFR Citation:** 21 CFR 600; 21 CFR 606

**Legal Deadline:** None

**Abstract:** All licensed blood establishments are required to notify FDA promptly of errors or accidents in the manufacture of products that may effect the safety, purity, or potency of any biological product (21 CFR 600.14). The reporting of certain errors or accidents occurring in the manufacture of blood and blood components is

necessary so that FDA can respond where the public health may be endangered and provide added assurance as to the continued safety, identity, quality, purported quality, and purity of blood and blood components. FDA has determined that errors and accidents that are detected and corrected before a finished unit is removed from the unprocessed inventory and made available for release and distribution do not affect the safety of the blood supply and need not be reported to the agency. The proposed rule not only makes this clear but also provides definitions of "error," "accident," "reportable error," and "reportable accident." The proposed rule would require licensed establishments, unlicensed establishments, and transfusion services to report and keep records. The cost to licensed establishments would be minimal (cont)

#### Timetable:

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Public Compliance Cost:** Initial Cost: \$105,000; Yearly Recurring Cost: \$420,000

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** ABSTRACT CONT: since they already are required to report. Licensed establishments would only have to make some changes in standard operating procedures. Unlicensed establishments are already required to keep records and conduct investigations. Under the proposed rule they would have to establish reporting procedures and report to FDA. The transfusion services would have to assure their recordkeeping and investigation procedures are sufficient and establish reporting procedures. Reporting by transfusions services is expected to be minimal.

**Agency Contact:** JoAnn Minor, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research



HHS-PHS-FDA

Proposed Rule Stage

(HFB-132), 8800 Rockville Pike, Bethesda, MD 20892, 301 295-8188

RIN: 0905-AD67

**1073. ● PROPOSED LABELING FOR HUMAN DRUG PRODUCTS BASED ON FALSE OR FRAUDULENT DATA**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 321; 21 USC 331; 21 USC 351 to 353; 21 USC 355 to 358; 21 USC 360 to 360b; 21 USC 371; 21 USC 374; 21 USC 376; 42 USC 216; 42 USC 241; 42 USC 262; 42 USC 263b to 263n; 42 USC 264

**CFR Citation:** 21 CFR 201

**Legal Deadline:** None

**Abstract:** The agency proposes to revise its regulations pertaining to human drug product labeling. The proposed revisions would subject drug products whose labeling was based in whole or in part on false or fraudulent data or information to the statutory requirements in sections 502(f) (1) of the Federal Food, Drug, and Cosmetic Act. The proposal would also interpret the term "false or fraudulent labeling."

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Philip L. Chao, Regulatory Counsel, Department of Health and Human Services, Public Health Service, Division of Regulatory Affairs, Center for Drug Evaluation and Research (HFD-362), 301 295-8049

RIN: 0905-AD71

**1074. ● REVIEW OF WARNINGS, USE INSTRUCTIONS AND PRECAUTIONARY INFORMATION UNDER SECTION 314 OF THE NATIONAL CHILDHOOD VACCINE INJURY ACT OF 1986**

**Significance:** Agency Priority

**Legal Authority:** PL 99-660, sec 314

**CFR Citation:** Not applicable

**Legal Deadline:** Final, Statutory, June 22, 1989.

**Abstract:** Section 314 of the National Childhood Vaccine Injury Act of 1986 mandated that the warnings, use instructions, and precautionary information of specified childhood

vaccines be reviewed and that their adequacy in warning health care professionals of the nature and extent of dangers posed by such vaccines be determined. This precautionary information is contained in the package insert of each vaccine licensed by the agency. FDA will hold a public meeting to receive public comment on the adequacy of these package inserts.

**Timetable:**

Action	Date	FR Cite
Notice of Public Meeting; Public Comment on Package Inserts	07/31/92	57 FR 33915
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** JoAnn Minor, Consumer Safety Officer, Department of Health and Human Services, Public Health Service, Center for Biologics Evaluation and Research, 8800 Rockville Pike, Bethesda, MD, 301 295-8188

RIN: 0905-AD72

**1075. ● SPECIFIC REQUIREMENTS ON CONTENT AND FORMAT OF LABELING FOR HUMAN PRESCRIPTION DRUGS; PROPOSED REVISION OF "PEDIATRIC USE" SUBSECTION IN THE LABELING**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 321; 21 USC 331; 21 USC 351 to 353; 21 USC 355 to 358; 21 USC 360 to 360b; 21 USC 371; 21 USC 374; 21 USC 376; 42 USC 216; 42 USC 241; 42 USC 262; 42 USC 263b to 263n; 42 USC 264

**CFR Citation:** 21 CFR 201

**Legal Deadline:** None

**Abstract:** The agency proposes to amend its regulations pertaining to the specific content and format of prescription drug labeling by revising the current "Pediatric Use" subsection of professional labeling to provide for the inclusion of more complete information about use of a drug in children and about hazards associated with this use. This regulatory action is intended to respond to concerns in FDA and elsewhere that current prescription drug labeling does not contain adequate

information about the use of drugs in children.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Diane P. Goyette, Consumer Safety Officer, Department of Health and Human Services, Public Health Service, Center for Drug Evaluation and Research, (HFD-362), 301 295-8049

RIN: 0905-AD76

**1076. ● GENERAL BIOLOGICAL STANDARDS; ALTERNATIVE PROCEDURES AND EXCEPTIONS**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 262

**CFR Citation:** 21 CFR 610; 21 CFR 640

**Legal Deadline:** None

**Abstract:** The Food and Drug Administration is proposing to amend its regulations governing biological products. This amendment would authorize the Director, Center for Biologics Evaluation and Research, to approve an exception or alternative to any regulation in 21 CFR governing biological products. The regulation will provide flexibility needed to accommodate rapid changes in biotechnology and to assure the continued availability of biological products.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/92	
Public Comment Effect of Rule	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Daniel Kearns, Consumer Safety Officer, Department of Health and Human Services, Public Health Service, Center for Biologics Evaluation and Research, 8800 Rockville Pike, Bethesda MD 20892, 301 295-8188

RIN: 0905-AD82



HHS—PHS—FDA

Proposed Rule Stage

**1077. ● MEDICAL DEVICES; INFANT APNEA MONITOR; DEVELOPMENT OF MANDATORY STANDARD****Legal Authority:** 21 USC 360d**CFR Citation:** 21 CFR 800**Legal Deadline:** None

**Abstract:** FDA is proposing a mandatory standard for infant apnea monitors which are intended for use on infants to detect cessation of breathing. The standard includes requirements for infant apnea monitors in four areas: Patient monitoring, electrical, mechanical and environmental, and labeling. FDA considered reliance and voluntary standards to address risks presented by these devices but determined that a mandatory standard is necessary.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/09/83	48 FR 31392
NPRM	03/30/93	

**Small Entities Affected:** Businesses**Government Levels Affected:**

Undetermined

**Agency Contact:** James J. McCue, Jr., Chief, Operations Staff, Department of Health and Human Services, Public Health Service, Center for Devices and Radiological Health, (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4874

**RIN:** 0905-AD83**1078. ● INVESTIGATIONAL NEW DRUG APPLICATIONS****Significance:** Regulatory Program

**Legal Authority:** 21 USC 321; 21 USC 331; 21 USC 351; 21 USC 352; 21 USC 353; 21 USC 355; 21 USC 356; 21 USC 357; 21 USC 371; 42 USC 262

**CFR Citation:** 21 CFR 312**Legal Deadline:** None

**Abstract:** The agency has determined that several steps should be taken to facilitate the early phases of clinical investigations of drug and biologic products, as part of the larger effort to speed the development and approval of promising new therapeutic products, without jeopardizing the safety of human study subjects or the quality of the data obtained. These steps are intended to eliminate the need by investigators to submit, and for FDA to review and approve, protocols that present minimal risk to subjects and do not require FDA involvement as part of an efficient drug development effort.

FDA is considering an amendment to 21 CFR Part 312 to exempt certain clinical investigations from the investigational new drug (IND) requirements, provided that specific requirements are met. The investigator would have to submit protocols for qualified studies to an institutional review board (IRB) rather than FDA.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Richard Klein, Office of Health Affairs, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, HFY-20, Rockville, MD 20857, 301 443-1328

**RIN:** 0905-AD85**1079. ● THRESHOLD OF REGULATION POLICY FOR COMPONENTS OF FOOD CONTACT ARTICLES****Significance:** Regulatory Program

**Legal Authority:** 21 USC 321; 21 USC 341; 21 USC 342; 21 USC 346a; 21 USC 348; 21 USC 371

**CFR Citation:** 21 CFR 170; 21 CFR 171; 21 CFR 174**Legal Deadline:** None

**Abstract:** The Food and Drug Administration (FDA) is proposing a policy for determining when the likelihood/extent of migration of a component of a food contact article is so trivial as not to require regulation as a food additive. A substance considered under this Threshold of Regulation Policy would undergo an abbreviated review by the FDA, as opposed to the extensive review and formal issuance of a regulation required for other food additives. This proposal lists the criteria which must be met for a food-contact material to be reviewed under this policy and identifies the types of data that FDA will need for its review.

FDA has examined the economic implications of the proposed rule as required by Executive Order 12291 and finds that this proposed rule is not a major rule as defined by the Executive Order. However, this policy will reduce regulatory cost and delays and thereby bring important and innovative products to market faster.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Edward J. Machuga, Consumer Safety Officer, Department of Health and Human Services, Public Health Service, Center for Food Safety and Applied Nutrition (HFF-335), 200 C Street, SW., Washington, DC 20204, 202 254-9528

**RIN:** 0905-AD86

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Food and Drug Administration (FDA)

**1080. OVER-THE-COUNTER (OTC) DRUG REVIEW****Significance:** Agency Priority

**Legal Authority:** 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 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 360(a) 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



## HHS—PHS—FDA

## Final Rule Stage

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" was combined with NPRM for "Emetic Products" and repropose as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" was included in the NPRM for "Skin Protectant Products." NPRM for "Diaper Rash Products" was included in NPRMs for "Antifungal," "Antimicrobial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" was included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" was included in NPRMs for "External Analgesic" and "Skin Protectant Products." "Poison Ivy/Oak/Sumac Prevention" was included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in revised NPRM (cont)

**Timetable:****Acne (Topical) Products**

ANPRM 03/23/82 (47 FR 12430)  
 NPRM 01/15/85 (50 FR 2172)  
 NPRM (Amendment) 08/07/91 (56 FR 37622)  
 Final Action 08/16/91 (56 FR 41008)

**Alcohol (Topical) Products (To be merged w/other rulemkg)**

ANPRM 05/21/82 (47 FR 22324)

**Anorectal Products**

ANPRM 05/27/80 (45 FR 35576)  
 NPRM 08/15/88 (53 FR 30756)  
 Final Action 08/03/90 (55 FR 31776)

**Anorectal Products (Lyce)**

Final Action 03/00/93

**Antacid Drug Products**

ANPRM 04/05/73 (38 FR 8714)  
 NPRM 11/12/73 (38 FR 31260)  
 Final Action 06/04/74 (39 FR 9862)  
 NPRM (Amendment) (Overindulgence) 12/24/91 (56 FR 66754)  
 FINAL ACTION (Amendment) (Warning) 12/00/92

**Anthelmintic 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 12/11/87 (52 FR 47312)  
 NPRM (Amendment) 08/18/89 (54 FR 34188)  
 Final Action 03/15/90 (55 FR 9721)  
 NPRM (Amendment) 05/11/90 (55 FR 19868)  
 NPRM (Amendment) 06/08/90 (55 FR 23450)  
 Final Action (Amendment) 10/03/90 (55 FR 40379)  
 Final Action (Amendment) 12/05/90 (55 FR 50171)

**Anticaries Products**

ANPRM 03/28/80 (45 FR 20666)  
 NPRM 09/30/85 (50 FR 39854)  
 NPRM 06/15/88 (53 FR 22430)  
 Final Action 00/00/00

**Antidiarrheal Products**

ANPRM 03/21/75 (40 FR 12924)  
 NPRM 04/30/86 (51 FR 16138)  
 Final Action 00/00/00

**Antidotes, Toxic Ingestion Prdts (Now Poison Treatment Prdts)**

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 04/30/87 (52 FR 15886)

**Antiflatulent Drug Products**

NPRM 11/12/73 (38 FR 31260)  
 Final Action 06/04/74 (39 FR 19877)  
 NPRM (Amendment) 01/29/88 (53 FR 2716)

**Antifungal (Diaper Rash) Products**

Final Action 10/00/92

**Antifungal (Topical) Products**

ANPRM 03/23/82 (47 FR 12480)  
 NPRM 12/12/89 (54 FR 51136)  
 NPRM (Amendment) (Diaper Rash) 06/20/90 (55 FR 25240)  
 Final Action (Partial) 01/00/93  
 Final Action 03/00/93

**Antimicrobial Products**

ANPRM 09/13/74 (39 FR 33103)  
 NPRM 01/06/78 (43 FR 1210)  
 NPRM (Amendment) (Diaper Rash) 06/20/90 (55 FR 25246)

**Antiperspirant Products**

ANPRM 10/10/78 (43 FR 46694)  
 NPRM 08/20/82 (47 FR 36492)  
 Final Action 00/00/00

**Antiseptic First Aid**

ANPRM 09/13/74 (39 FR 33103)  
 NPRM 01/06/78 (43 FR 1210)  
 NPRM (Revised) 07/22/91 (56 FR 33644)  
 Final Action 00/00/00

**Antiseptic Products (Professional Use)**

ANPRM 09/13/74 (39 FR 33103)  
 NPRM 01/06/78 (43 FR 1210)  
 NPRM (Revised) 03/00/93

**Aphrodisiac Products**

ANPRM 10/01/82 (47 FR 43572)  
 NPRM 01/15/85 (50 FR 2168)  
 Final Action 07/07/89 (54 FR 28780)

**Astringent (Wet Dressings) Prdts (Merged w/other rulemkg)**

ANPRM 09/07/82 (47 FR 39436)

**Benign Prostatic Hypertrophy Products**

ANPRM 10/01/82 (47 FR 43566)  
 NPRM 02/20/87 (52 FR 5406)  
 Final Action 02/27/90 (55 FR 6926)

**Boll Ointments**

ANPRM 06/29/82 (47 FR 28306)  
 NPRM 01/26/88 (53 FR 2198)  
 Final Action 03/00/93

**Camphorated Oil Drug Products**

ANPRM 09/26/80 (45 FR 63869)  
 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)  
 NPRM (Amendment) 08/15/88 (53 FR 30786)  
 Final Action (Amendment) 02/28/89 (54 FR 8320)

**Corn and Callus Remover Products**

ANPRM 01/05/82 (47 FR 522)  
 NPRM 02/20/87 (52 FR 5412)  
 Final Action 08/14/90 (55 FR 33258)

**Cough/Cold (Anticholinergic) Products**

ANPRM 09/09/76 (41 FR 38312)  
 NPRM 07/09/82 (47 FR 30002)  
 Final Action 11/08/85 (50 FR 46582)

**Cough/Cold (Antihistamine) Products**

ANPRM 09/09/76 (41 FR 38312)  
 NPRM 01/15/85 (50 FR 2200)  
 NPRM (Amendment) 08/24/87 (52 FR 31892)  
 Final Action 01/00/93

**Cough/Cold (Antitussive) Products**

ANPRM 09/09/76 (41 FR 38312)  
 NPRM 10/19/83 (48 FR 48576)  
 Final Action 08/12/87 (52 FR 30042)  
 NPRM (Amendment) 07/06/89 (54 FR 28442)  
 NPRM (Amendment) 10/02/89 (54 FR 40412)  
 Final Action (Amendment) 07/06/90 (55 FR 27806)  
 Final Action (Amendment) 10/03/90 (55 FR 40381)

NPRM (Amendment) 06/19/92 (57 FR 27666)  
 NPRM (Amendment) 03/00/93

**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)  
 NPRM (Amendment) 06/19/92 (57 FR 27662)

**Cough/Cold (Combination) Products**

ANPRM 09/09/76 (41 FR 38312)  
 NPRM 08/12/88 (53 FR 30522)  
 Final Action 00/00/00

**Cough/Cold (Expectorant) Products**

ANPRM 09/09/76 (41 FR 38312)  
 NPRM 07/09/82 (47 FR 30002)  
 Final Action 02/28/89 (54 FR 8494)  
 Final Action (Technical Changes) 06/30/92 (57 FR 29176)

**Cough/Cold (Expectorant/lpecac) Products**

Final Action 09/14/92 (57 FR 41857)



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**Cough/Cold (Nasal Decongestant) Products**

ANPRM 09/09/76 (41 FR 38312)  
 NPRM 01/15/85 (50 FR 2220)  
 NPRM (Amendment) 06/19/92 (57 FR 27658)  
 Final Action 03/00/93

**Dandruff, Seborrheic Dermatitis and Psoriasis Control Products**

ANPRM 12/03/82 (47 FR 54646)  
 NPRM 07/30/86 (51 FR 27346)  
 Final Action 12/04/91 (56 FR 63554)

**Daytime Sedatives**

ANPRM 12/08/75 (40 FR 57292)  
 NPRM 06/13/78 (43 FR 25544)  
 Final Action 06/22/79 (44 FR 36378)

**Diaper Rash Products (Merged w/other rulemk)**

ANPRM 09/07/82 (47 FR 39406)

**Digestive Aid Products**

ANPRM 01/05/82 (47 FR 454)  
 NPRM 01/29/88 (53 FR 2706)  
 Final Action 00/00/00

**Emetic Products**

ANPRM 03/21/75 (40 FR 12939)  
 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)  
 NPRM (Reproposed) 07/15/91 (56 FR 32282)  
 Final Action 00/00/00

**External Analgesic Products**

ANPRM 12/04/79 (44 FR 69768)  
 NPRM 02/08/83 (48 FR 5852)  
 NPRM (Amendment) (Dandruff) 07/30/86 (51 FR 27360)  
 NPRM (Amendment) (Anorectal) 08/25/88 (53 FR 32592)  
 NPRM (Amendment) (Poison Ivy) 10/03/89 (54 FR 40818)  
 NPRM (Amendment) (Fvr Blister/Ext) 01/31/90 (55 FR 3370)  
 NPRM (Amendment) (1% Hydrocortisone) 02/27/90 (55 FR 6932)  
 NPRM (Amendment) (Diaper Rash) 06/20/90 (55 FR 25234)  
 Final Action (Diaper Rash) 10/00/92  
 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 06/30/92 (57 FR 29166)

**Fvr Blister/Cold Sore Prdts (Ext.) (To be merged w/other rulemk)**

ANPRM 09/07/82 (47 FR 39436)

**Hair Grower and Hair Loss Prevention Products**

ANPRM 11/07/80 (45 FR 73955)  
 NPRM 01/15/85 (50 FR 2190)  
 Final Action 07/07/89 (54 FR 28772)

**Hormone (Topical) Products**

ANPRM 01/05/82 (47 FR 430)  
 NPRM 10/02/89 (54 FR 40618)  
 Final Action 10/00/92

**Hypo/Hyperphosphatemia Products**

ANPRM 12/09/80 (45 FR 81154)  
 NPRM 01/15/85 (50 FR 2160)  
 Final Action 05/11/90 (55 FR 19852)

**Ingrown Toenail Relief Products**

ANPRM 10/17/80 (45 FR 69128)  
 NPRM 09/03/82 (47 FR 39120)  
 Final Action 03/00/93

**Insect Bite & Sting (Relief) Prdts (Merged w/other rulemk)**

ANPRM 09/07/82 (47 FR 39412)

**Insect Repellent 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 11/16/89 (53 FR 46204)  
 NPRM (Amendment) (Overindulgence) 12/24/91 (56 FR 66762)

**Internal Analgesic Products (Overindulgence)**

Final Action 00/00/00

**Internal Deodorant Products**

ANPRM 01/05/82 (47 FR 512)  
 NPRM 06/17/85 (50 FR 25162)  
 Final Action 05/11/90 (55 FR 19862)

**Laxative Products**

ANPRM 03/21/75 (40 FR 12902)  
 NPRM 01/15/85 (50 FR 2124)  
 NPRM (Amendment) 10/01/86 (51 FR 35136)  
 NPRM (Amendment) 03/00/93  
 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 03/00/93

**Male Genital Desensitizer Products**

ANPRM 09/07/82 (47 FR 39412)  
 NPRM 10/02/85 (50 FR 40260)  
 Final Action 06/19/92 (57 FR 27654)

**Menstrual Products**

ANPRM 12/07/82 (47 FR 55075)  
 NPRM 11/16/88 (53 FR 46194)

**Mercurial (Topical) Products (To be merged w/other rulemk)**

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 10/00/92

**Nighttime Sleep Aid Products**

ANPRM 12/08/75 (40 FR 57292)  
 NPRM 06/13/78 (43 FR 25544)  
 Final Action 02/14/89 (54 FR 6814)

**Ophthalmic (Anti-infective) Products**

Final Action 10/00/92

**Ophthalmic Products**

ANPRM 05/06/80 (45 FR 30002)  
 NPRM 06/28/83 (48 FR 29788)  
 Final Action 03/04/88 (53 FR 7076)

**Oral Discomfort (Relief) Products**

ANPRM 05/25/82 (47 FR 22712)  
 NPRM 09/24/91 (56 FR 48302)

**Oral Health Care Products**

ANPRM 05/25/82 (47 FR 22760)  
 NPRM 01/27/88 (53 FR 2436)  
 NPRM (Amendment) (Antimicrobials) 03/00/93  
 Final Action 00/00/00

**Oral Mucosal Injury Products (Merged w/Oral Health Care)**

ANPRM 11/02/79 (44 FR 63270)  
 NPRM 07/26/83 (48 FR 33984)

**Oral Wound Healing Products**

ANPRM 11/02/79 (44 FR 63270)  
 NPRM 07/26/83 (48 FR 33984)  
 Final Action 07/18/86 (51 FR 26112)

**Otic Products (Earwax)**

NPRM 07/09/82 (47 FR 30012)  
 Final Action 08/08/86 (51 FR 28656)

**Otic Products (Swimmers Ear)**

NPRM 07/30/86 (51 FR 27366)  
 Final Action 00/00/00

**Overindulgence Remedies**

ANPRM 10/01/82 (47 FR 43540)  
 NPRM 12/24/91 (56 FR 66742)

**Overindulgence Remedies/Prevention of Inebriation**

ANPRM 10/01/82 (47 FR 43540)  
 Final Action 07/19/83 (48 FR 32872)

**Pediculicide Products**

ANPRM 06/29/82 (47 FR 28312)  
 NPRM 04/03/89 (54 FR 13480)

**Poison Ivy/Oak/Sumac Prevention (Merged w/other rulemk)**

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)  
 NPRM (Reproposed) 12/00/92

**Skin Protectant Products**

ANPRM 08/04/78 (43 FR 34628)  
 NPRM 02/15/83 (48 FR 6820)  
 NPRM (Amendment) (Astringent) 04/03/89 (54 FR 13490)

NPRM (Amendment) (Poison Ivy) 10/03/89 (54 FR 40808)

NPRM (Amendment) (Fvr Blister/Ext) 01/31/90 (55 FR 3362)

NPRM (Amendment) (Diaper Rash) 06/20/90 (55 FR 25204)

Final Action 00/00/00

**Smoking Deterrent Products**

ANPRM 01/05/82 (47 FR 490)  
 NPRM 07/03/85 (50 FR 27552)  
 Final Action 02/00/93

**Sodium Labeling**

NPRM 04/25/91 (56 FR 19222)  
 Final Action 00/00/00

**Status of Certain Category II and III Ingredients**

more 05/16/90 (55 FR 20434)  
 Final Action 11/07/90 (55 FR 46914)  
 NPRM 08/25/92 (57 FR 38568)

**Stimulant (Overindulgence) Products**

NPRM (Amendment) 12/24/91 (56 FR 66758)

**Stimulant Products**

ANPRM 12/08/75 (40 FR 57292)  
 NPRM 06/13/78 (43 FR 25544)  
 Final Action 02/29/88 (53 FR 6100)

**Stomach Acidifier Products**

ANPRM 10/19/79 (44 FR 60316)  
 NPRM 01/15/85 (50 FR 2184)  
 Final Action 08/17/88 (53 FR 31270)

**Sunscreen Products**

ANPRM 08/25/78 (43 FR 38206)  
 NPRM 12/00/92

**Sweet Spirits of Nitre**

ANPRM 02/22/80 (45 FR 11846)  
 Final Action 06/27/80 (45 FR 43400)

**Vaginal Contraceptive Products**

ANPRM 12/12/80 (45 FR 82014)  
 NPRM 12/00/92



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**Vaginal Drug Products**ANPRM 10/13/83 (48 FR 46694)  
NPRM 03/00/93**Vitamin/Mineral Products**ANPRM 03/16/79 (44 FR 16126)  
Withdrawal 11/27/81 (46 FR 57914)**Wart Remover Products**ANPRM 10/03/80 (45 FR 65609)  
NPRM 09/03/82 (47 FR 39102)  
NPRM (Amendment) 03/27/87 (52 FR 9992)  
Final Action 08/14/90 (55 FR 33246)**Water Soluble Gums**NPRM 10/30/90 (55 FR 45782)  
Final Action 01/00/93**Weight Control Products**ANPRM 02/26/82 (47 FR 8466)  
NPRM 10/30/90 (55 FR 45788)  
Final Action 08/08/91 (56 FR 37792)  
NPRM (NDA Labeling Exclusivity)  
11/00/92  
NPRM (Amendment) 12/00/92**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** ABSTRACT CONT: for "Antimicrobial Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products." The NPRM for "Antimicrobial Products" is being revised because it is being updated and split into two sections: first aid products and health care products.**SMALL ENTITIES AFFECTED:** 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 Drug Evaluation and Research (HFD-210), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8900

RIN: 0905-AA06

**1081. NEW ANIMAL DRUG APPROVAL PROCESS****Legal Authority:** 21 USC 360b 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:** On December 17, 1991, the Agency published a proposed revision

of the existing regulations that are 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. A separate proposed rule for reporting requirements for marketed animal drugs also published on that date.

**Timetable:****New Animal Drug Approval Process**NPRM 12/17/91 (56 FR 65544)  
Final Action 08/00/93**Reporting Requirements for Marketed Animal Drugs**NPRM 12/17/91 (56 FR 65581)  
Final Action 08/00/93**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Additional Information:** Contact Lonnie W. Luther for information concerning new animal drug approval process.

For information concerning reporting requirements for marketed animal drugs, contact Andrew J. Beaulieu, Director, Division of Therapeutic Drugs for Food Animals, Center for Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-3044.

**Agency Contact:** Lonnie W. Luther, Chief, Generic Animal Drugs and Quality, Control Staff, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-102), 7500 Standish Place, Rockville, MD 20855, 301 295-8623

RIN: 0905-AA96

**1082. 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; PL 100-290**CFR Citation:** 21 CFR 316**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 was published on January 29, 1991 that would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. Several provisions of the Orphan Drug Act call for promulgation of regulations 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
Interim Guidelines (Revised)	05/09/85	50 FR 19583
NPRM	01/29/91	56 FR 3338
NPRM Comment Period End	04/01/91	56 FR 3338
Final Action	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Agency Contact:** Emery J. Sturniolo, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Office of Orphan Products Development (HF-35), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4718

RIN: 0905-AB55

**1083. ABBREVIATED NEW DRUG APPLICATION REGULATIONS (TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984")****Significance:** Agency Priority**Legal Authority:** PL 98-417, title I**CFR Citation:** 21 CFR 10; 21 CFR 310; 21 CFR 314; 21 CFR 320**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



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before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. On July 10, 1989 (54 FR 28872), FDA proposed regulations to implement Title I. The proposal provides for the submission of abbreviated new drug applications for generic versions of drug products first approved after 1962. These new provisions will benefit consumers by making generic drug products available more quickly.

The agency is reviewing the public comments submitted in response to the proposed rule and preparing the final rule in two segments. The first segment will establish requirements for format and content of an ANDA, suitability petitions, and certain administrative actions. The second segment will establish requirements for patient certification and exclusivity.

**Timetable:**

Action	Date	FR Cite
NPRM	07/10/89	54 FR 28872
NPRM Comment Period End	10/10/89	54 FR 28872
NPRM Extension of Comment Period	10/11/89	54 FR 41629
NPRM Public Comment Period End	01/09/90	54 FR 41629
NPRM Extension of Comment Period	01/16/90	55 FR 1471
NPRM Public Comment Period End	04/09/90	55 FR 1471

**Content and Format, Suitability Petitions**

Final Action 04/28/92 (57 FR 17950)

**Patent Certification and Exclusivity**

Final Action 04/00/93

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Philip L. Chao, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 7500 Standish Place, Rockville, MD 20855, 301 295-8049

RIN: 0905-AB63

### 1084. METHADONE IN MAINTENANCE TREATMENT OF NARCOTIC ADDICTS; JOINT FDA AND NIDA PROPOSED REVISION OF CONDITIONS OF USE

**Significance:** Agency Priority

**Legal Authority:** 21 USC 355; 21 USC 371(a); 21 USC 823(g); 42 USC 257a; 42 USC 290ee-3

**CFR Citation:** 21 CFR 291**Legal Deadline:** None

**Abstract:** The Food and Drug Administration and the National Institute on Drug Abuse have proposed to revise the conditions for the use of methadone in the maintenance treatment of narcotic addicts. The proposal would allow programs to provide minimum service (interim) maintenance treatment to patients awaiting placement in comprehensive maintenance treatment and require programs to provide counseling on avoidance of human immunodeficiency virus (HIV) transmission. These requirements are being considered in response to the HIV epidemic and are intended to allow more narcotic addicts into treatment more quickly, thereby decreasing the incidence of intravenous drug abuse and the transmission of HIV. Comments on the proposal revealed a large number of differing opinions on both the desirability of adopting interim maintenance standards and on a number of related issues. Because it was necessary to improve the administrative record before making a decision regarding any final action based on the proposal, FDA and NIDA held a public hearing on February 28, 1990, to solicit additional information. After careful review of the administrative record, including information received (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/89	54 FR 8973
NPRM Comment Period End	05/03/89	54 FR 13897
Notice (Public Hearing; 2/28/90)	12/04/89	54 FR 50226
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Local, State

**Additional Information:** ABSTRACT CONT: at the public hearing, the agencies determined that that portion of the rulemaking relating to interim maintenance standards should be withdrawn and that the agencies should issue a final rule on that portion relating to counseling or avoiding transmission of HIV. That

determination is being reviewed in light of recently enacted legislation.

**Agency Contact:** Robert J. Meyer, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 7500 Standish Place, Rockville, MD 20855, 301 295-8049

RIN: 0905-AC93

### 1085. EXPEDITING APPROVAL FOR DRUGS INTENDED TO TREAT LIFE-THREATENING AND SEVERELY DEBILITATING ILLNESSES

**Significance:** Agency Priority

**Legal Authority:** 21 USC 351 to 357; 21 USC 371; 42 USC 262

**CFR Citation:** 21 CFR 312**Legal Deadline:** None

**Abstract:** In the Federal Register of October 21, 1988 (53 FR 41561), FDA issued an interim rule effective upon date of publication, with opportunity for public comment, that set forth procedures designed to speed the availability of new therapies to desperately ill patients, while preserving appropriate guarantees for safety and effectiveness. These procedures are intended to facilitate the development, evaluation, and marketing of such products, especially where no satisfactory alternative therapies exist. These procedures reflect the recognition that physicians and patients are generally willing to accept greater risks or side effects from products that treat life-threatening and severely-debilitating illness. These procedures also reflect the recognition that the benefits of the drug need to be evaluated in light of the severity of the disease being treated. The procedures apply to life-threatening or severely debilitating illnesses. The agency is reviewing the public comments submitted in response to the interim rule and preparing a Federal Register document that will respond to these comments. The (cont)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/21/88	53 FR 41561
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None



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**Additional Information:** ABSTRACT CONT: agency is also considering the recommendations contained in the report of the "National Committee to Review Current Procedures for Approval of New Drugs for Cancer and AIDS."

**Agency Contact:** Philip L. Chao, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 7500 Standish Place, Rockville, MD 20855, 301 295-6049

RIN: 0905-AC94

### 1086. PATENT TERM RESTORATION FOR ANIMAL DRUGS

**Significance:** Regulatory Program

**Legal Authority:** 35 USC 156; 21 USC 360b; 21 USC 701

**CFR Citation:** 21 CFR 60

**Legal Deadline:** None

**Abstract:** This final rule amends the agency's patent term restoration regulations to include animal drugs as products for which patent term restoration is available.

**Timetable:**

Action	Date	FR Cite
NPRM	02/13/91	56 FR 5784
NPRM Comment Period End	04/15/91	56 FR 5784
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Ronald L. Wilson, 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, 301 443-1392

RIN: 0905-AD16

### 1087. RETENTION OF BIOAVAILABILITY AND BIOEQUIVALENCE TESTING SAMPLES

**Significance:** Regulatory Program

**Legal Authority:** 21 USC 201; 21 USC 301; 21 USC 501; 21 USC 502; 21 USC 503; 21 USC 505; 21 USC 506; 21 USC 507; 21 USC 701

**CFR Citation:** 21 CFR 312; 21 CFR 314; 21 CFR 320

**Legal Deadline:** None

**Abstract:** On November 8, 1990, FDA issued an interim rule effective upon date of publication, with opportunity for public comment. The interim rule requires the retention for a specified period of reserve samples of the drug products used to conduct bioavailability or bioequivalence studies of drug products and, when specifically requested, to release the reserve samples to FDA. The agency has reviewed the public comments submitted in response to the interim rule and is preparing a Federal Register document that will respond to these comments.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/08/90	55 FR 47034
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marilyn L. Watson, Special Assistant to the Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-360), 7500 Standish Place, Rockville, MD 20855, 301 295-8038

RIN: 0905-AD17

### 1088. FEES FOR CERTIFICATION SERVICES; INSULIN AND COLOR ADDITIVE CERTIFICATION PROGRAMS

**Significance:** Agency Priority

**Legal Authority:** 21 USC 502; 21 USC 506; 21 USC 701; 21 USC 706

**CFR Citation:** 21 CFR 80.10; 21 CFR 429.55

**Legal Deadline:** None

**Abstract:** In the Federal Register of October 4, 1991 (56 FR 50248), FDA issued an interim rule effective on November 4, 1991 with opportunity for public comment, revising the fee schedule for insulin certification services. The fees are intended to recover the full costs of operation of FDA's insulin certification program, including the unfunded liability of the Civil Service Retirement Fund and

appropriate overhead costs of the Public Health Service and Department of Health and Human Services. FDA is also considering similar amendments to the regulations governing fees for the color additive certification program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule (Insulin)	10/04/91	56 FR 50248
Final Action (Color Additives)	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** David R. Petak, Chief, Accounting Branch, Office of Management, Department of Health and Human Services, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1766

RIN: 0905-AD34

### 1089. ● NEW DRUG, ANTIBIOTIC, AND BIOLOGICAL DRUG PRODUCT REGULATIONS; ACCELERATED APPROVAL

**Significance:** Regulatory Program

**Legal Authority:** 21 USC 351 to 357; 21 USC 371; 42 USC 262

**CFR Citation:** 21 CFR 314; 21 CFR 601

**Legal Deadline:** None

**Abstract:** In the Federal Register of April 15, 1992 (57 FR 13234), FDA published proposed procedures under which the Agency would accelerate approval of new drug, antibiotic, and biological products used to treat life-threatening, very serious, or severely debilitating conditions when the condition lacks satisfactory alternative therapy. The procedures set forth in this proposed rule would accelerate approval of new drug, antibiotic, and biological products for serious or life-threatening illnesses, with provisions for continued study of the drugs' clinical effects after approval or, if necessary, with restrictions on use. Products approved under this proposal will have met the requisite statutory standards for safety and effectiveness, and will have full approval for marketing.



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**Timetable:**

Action	Date	FR Cite
NPRM	04/15/92	57 FR 13234
NPRM Comment	07/15/92	57 FR 27202
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Marilyn L. Watson, Special Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 7500 Standish Place, Rockville, MD 20855, 301 295-8038

RIN: 0905-AD66

### 1090. ● CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURE, PROCESSING, PACKAGING, OR HOLDING; REVISION OF CERTAIN LABELING CONTROLS

**Significance:** Agency Priority**Legal Authority:** 21 USC 321(n); 21 USC 351 to 352; 21 USC 355 to 357; 21 USC 371**CFR Citation:** 21 CFR 211**Legal Deadline:** None

**Abstract:** An agency study of drug product recalls over a 5-year period identified label mixups as the leading cause of recall incidents involving mislabeled products. An analysis of the recall incidents attributed to label mixups showed that the use of cut labels, labels of similar size, shape, or color, and deviations from existing current good manufacturing practice (CGMP) labeling requirements were the leading causes of such mixups. On June 23, 1989 (54 FR 26394), the agency proposed to amend the CGMP regulations to specify conditions for the use of gang-printed or cut labeling, exempt from CGMP labeling reconciliation requirements manufacturers that use automated 100-percent labeling inspection systems, and to require manufacturers to identify filled drug product containers that are not immediately labeled. This final rule, thus, establishes as requirements the proposed revisions to the CGMP regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/23/89	54 FR 26394
NPRM Comment	08/22/89	54 FR 26394
Period End		
Final Action	02/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Robert J. Meyer, Consumer Safety Officer, Department of Health and Human Services, Public Health Service, Center for Drug Evaluation and Research, (HFD-362), 301 295-8046

RIN: 0905-AD73

### 1091. ● IMPRINTING OF ORAL SOLID DOSAGE FORM DRUG PRODUCTS

**Legal Authority:** 21 USC 321; 21 USC 331; 21 USC 351 to 353; 21 USC 355 to 357; 21 USC 371; 21 USC 374; 21 USC 376; 21 USC 360 to 360b; 42 USC 262**CFR Citation:** 21 CFR 206; 21 CFR 207; 21 CFR 314**Legal Deadline:** None

**Abstract:** The agency has proposed to require that human drugs in solid oral dosage form (e.g., tablets and capsules) be imprinted with a product specific code. The proposal would apply to both over-the-counter (OTC) and prescription drugs. Drug identification by imprinting serves a number of important public health functions such as identifying drugs in drug overdosing, alerting patients to drug substitution, identifying illicit products, and aiding FDA and other drug regulatory authorities in tracking counterfeit and defective drug products. The agency is reviewing the public comments submitted in response to the proposed rule and preparing a Federal Register document that will respond to those comments.

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/91	56 FR 22370
NPRM Comment	08/13/91	56 FR 22370
Period End		
Reopening of comment period	08/20/91	56 FR 41313
Comment period end	09/19/91	56 FR 41313
Final Action	01/30/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Deborah Wolf, Regulatory Counsel, Department of Health and Human Services, Public Health Service, Center for Drug Evaluation and Research, (HFD-362), 301 295-8046

RIN: 0905-AD77

### 1092. ● RECORDKEEPING AND REPORTING: ELECTRONIC PRODUCTS

**Legal Authority:** 21 USC 360hh; 21 USC 360ii; 21 USC 360jj; 21 USC 360kk; 21 USC 360ll; 21 USC 360mm; 21 USC 360nn; 21 USC 360oo; 21 USC 360oo**CFR Citation:** 21 CFR 1000; 21 CFR 1002**Legal Deadline:** None

**Abstract:** The Final Rule would amend FDA regulations Recordkeeping and Reporting of adverse events and other information relating to radiation emitting electronic products. The timing and content of certain reports will be revised to enhance the usefulness of the information. This action will result in improved protection of the public health while reducing the regulatory burden on manufacturers and distributors.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/02/82	47 FR 29004
ANPRM	11/16/82	47 FR 51706
ANPRM	07/01/85	50 FR 27024
NPRM	10/25/90	55 FR 43066
Final Action	03/00/93	

**Comment Period End**

NPRM 01/22/91 (55 FR 43066)

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Joseph M. Sheehan, Chief, Regulations Staff, Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600 Fishers Ln, Rockville, MD 20857, 301 443-4874

RIN: 0905-AD78

### 1093. ● NEW DRUG AND ABBREVIATED NEW DRUG APPLICATIONS; PREAPPROVAL INSPECTION REQUIREMENTS

**Significance:** Agency Priority**Legal Authority:** 21 USC 321; 21 USC 331; 21 USC 351 to 353; 21 USC 371; 21 USC 374; 21 USC 376; 21 USC 355 to 357



HHS—PHS—FDA

Final Rule Stage

**CFR Citation:** 21 CFR 314

**Legal Deadline:** None

**Abstract:** This regulatory action is being taken to improve FDA's surveillance and enforcement activities with respect to new drug and abbreviated new drug applications (NDA's and ANDA's) and supplemental applications consistent with the agency's efforts to address certain fraudulent practices found during investigations of the generic drug industry. This regulation will amend the regulations governing the approval for marketing of new drugs and antibiotic drugs for human use (21 CFR Part 314) to require the submission by applicants of NDA's, ANDA's, and supplemental applications of an additional copy of the chemistry, manufacturing, and controls section of their applications. The additional copy will be used by FDA investigators during a preapproval inspection to audit application commitments and statements against actual manufacturing practices used by applicants. The regulation will also require the submission of certain information about the batches of a drug product used to perform bioavailability, bioequivalence, and stability tests.

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/91	56 FR 3180
NPRM Comment Period End	03/29/91	56 FR 3180
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marilyn L. Watson, Special Assistant to the Director, Department of Health and Human Services, Public Health Service, Division of Regulatory Affairs, Food and Drug Administration, Center for Drug, Evaluation and Research (HFD-360), 301 295-8038

**RIN:** 0905-AD79

**1094. ● MEDICAL DEVICES; PROTECTIVE RESTRAINTS; REVOCATION OF EXEMPTIONS FROM 510(K) PREMARKET NOTIFICATION PROCEDURES AND CURRENT GOOD MANUFACTURING PRACTICES REGULATIONS**

**Significance:** Agency Priority

**Legal Authority:** 21 USC 351; 21 USC 360; 21 USC 360c; 21 USC 360e; 21 USC 360y; 21 USC 371

**CFR Citation:** 21 CFR 880.6760; 21 CFR 890.3910

**Legal Deadline:** None

**Abstract:** FDA has become aware through various sources of numerous reports of complications including permanent physical injuries, severe psychological disabilities, other serious injuries and deaths that have been attributed to incorrect supervision, handling or application of protective restraint devices by medical or paramedical personnel. Complications associated with protective restraint devices frequently result from misuse of the devices. To address potential misuse, it would be advisable for manufacturers to include specific

directions for use, to the extent that such directions are not currently available or not attached to or kept with the garment. Revocation of the premarket notification exemptions will allow FDA to collect information about the current availability and actual employment of directions for use and to monitor the introduction into commerce of new and changed protective restraints. Revocation of the Current Good Manufacturing exemption will allow FDA to require the necessary labeling. FDA is also considering educational programs to address this problem. FDA anticipates total first year costs of \$930,000 for this regulation. (CONT)

**Timetable:**

Action	Date	FR Cite
NPRM	06/19/92	57 FR 27397
NPRM Comment Period End	08/18/92	57 FR 27397
Final Action	03/30/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT CONT: These costs will be offset by the saving of lives and reduced product liability exposure.

**Agency Contact:** Patricia Dubill, Department of Health and Human Services, Public Health Service, Center for Devices and Radiological Health, (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4874

**RIN:** 0905-AD84

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

**Completed Actions**

**Public Health Service (PHS)—Food and Drug Administration (FDA)**

**1095. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW**

**CFR Citation:** 21 CFR 211

**Completed:**

Reason	Date	FR Cite
Decision to Defer	06/30/92	
Next Action		
Pending		
Completion of		
Other		
Rulemaking		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert J. Meyer, 301 295-8049

**RIN:** 0905-AA73

**1096. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW**

**CFR Citation:** 21 CFR 608; 21 CFR 640

**Completed:**

Reason	Date	FR Cite
Decision to Defer	06/30/92	
Next Action		
Pending		
Completion of		
Other		
Rulemaking		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Ann Gaines, 301 295-8188

**RIN:** 0905-AA75



HHS—PHS—FDA

Completed Actions

**1097. REQUIREMENTS FOR ADVERSE EXPERIENCE REPORTING FOR LICENSED BIOLOGICAL PRODUCTS**  
**Significance:** Agency Priority  
**CFR Citation:** 21 CFR 211; 21 CFR 310; 21 CFR 600  
**Completed:**

Reason	Date	FR Cite
Decision to Defer	06/30/92	
Next Action		
Pending		
Completion of		
Other		
Rulemaking		

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.  
**Agency Contact:** Joanne Binkley, 391 295-8183  
**RIN:** 0905-AB53

**Agency Contact:** JoAnn Minor, 301 295-8188  
**RIN:** 0905-AC92

**1099. INVESTIGATIONAL NEW DRUG, ANTIBIOTIC AND BIOLOGICAL DRUG PRODUCT APPLICATIONS; PROPOSED AMENDMENT TO SECTIONS ON CLINICAL HOLD AND TERMINATION**  
**Significance:** Agency Priority  
**CFR Citation:** 21 CFR 312  
**Completed:**

Reason	Date	FR Cite
Final Action	04/15/92	57 FR 13244
Final Action Effective	06/15/92	57 FR 13244

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Philip L. Chao, 301 295-8049  
**RIN:** 0905-AD19

**Agency Contact:** Catherine J. Bailey, 202 245-2140  
**RIN:** 0905-AD36

**1101. SALMONELLA ENTERITIDIS IN SHELL EGGS**  
**Significance:** Agency Priority  
**CFR Citation:** 21 CFR 16.1; 21 CFR 1240.63; 21 CFR 1240.64  
**Completed:**

Reason	Date	FR Cite
Decision to Defer	06/30/92	
Next Action		
Pending		
Completion of		
Other		
Rulemaking		

**Small Entities Affected:** Businesses  
**Government Levels Affected:** State, Federal  
**Agency Contact:** Elizabeth J. Campbell, 202 485-0229  
**RIN:** 0905-AD37

**1098. PROFICIENCY TESTING REQUIREMENTS FOR LABORATORIES TESTING BLOOD AND BLOOD COMPONENTS BY THE FDA-REQUIRED TESTS FOR HBSAG AND ANTI-HIV**  
**Significance:** Agency Priority  
**CFR Citation:** 21 CFR 606; 21 CFR 610  
**Completed:**

Reason	Date	FR Cite
Decision to Defer	06/30/92	
Next Action		
Pending		
Completion of		
Other		
Rulemaking		

**Small Entities Affected:** None  
**Government Levels Affected:** None

**1100. REVOCATION OF THE PERMANENT LISTINGS FOR USE OF FD&C RED NO. 3 IN FOOD AND INGESTED DRUGS**  
**Significance:** Agency Priority  
**CFR Citation:** 21 CFR 74.303; 21 CFR 74.1303  
**Completed:**

Reason	Date	FR Cite
Decision to Defer	06/30/92	
Next Action		
Pending		
Completion of		
Other		
Rulemaking		

**Small Entities Affected:** Businesses  
**Government Levels Affected:** Federal

**1102. USE OF ASEPTIC PROCESSING AND TERMINAL STERILIZATION IN THE PREPARATION OF STERILE PHARMACEUTICALS FOR HUMAN AND VETERINARY USE**  
**CFR Citation:** 21 CFR 314; 21 CFR 514  
**Completed:**

Reason	Date	FR Cite
Decision to Defer	06/30/92	
Next Action		
Pending		
Completion of		
Other		
Rulemaking		

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined  
**Agency Contact:** Marilyn L. Watson, 301 295-8938  
**RIN:** 0905-AD45

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Proposed Rule Stage**  
**Public Health Service (PHS)—Health Resources and Services Administration (HRSA)**

**1103. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM; GRANTS FOR STATE LOAN REPAYMENT PROGRAMS**  
**Significance:** Regulatory Program  
**Legal Authority:** PL 100-177; PL 101-F97

**CFR Citation:** 42 CFR 62.21 to 62.30; 42 CFR 62.51 to 62.58  
**Legal Deadline:** None  
**Abstract:** The National Health Service Corps (NHSC) Revitalization Amendments of 1990, PL 101-597,

amends Section 338B of the PHS Act which authorizes the NHSC Loan Repayment Program. These Amendments also revise the State Loan Repayment Program at Section 338I of the PHS Act. The interim rule relating to both these programs as published



## HHS-PHS-HRSA

## Proposed Rule Stage

April 3, 1989, will be revised to reflect the 1990 amendments. Regulations governing the Special Repayment Program established under PL 100-177 were published on 11/6/91 in final form under RIN: 0905-AD58, separate from this NPRM (RIN: 0905-AC65). The amended NHSC Loan Repayment Program (RIN: 0905-AD57) removes the provision which limits the Secretary's loan repayment to one month in advance of services.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/03/89	56 FR 13458
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Rhoda Abrams, Director, Office of Program and Policy Development, Bureau of Primary Health Care, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 7-34, Rockville, MD 20857, 301 443-2330

**RIN:** 0905-AC65

#### 1104. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK RULES

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1320b-8 section 1138 of the Social Security Act; 42 USC 274 Section 372 of the Public Health Service Act

**CFR Citation:** 42 CFR 121

**Legal Deadline:** None

**Abstract:** Section 1138 of the Social Security Act requires Medicare and Medicaid participating hospitals that perform organ transplants to be members of and abide by the rules and requirements of the Organ Procurement and Transplantation Network (OPTN) as established by section 372 of the Public Health Service Act. Section 1138 also requires that for organ procurement costs attributable to payments to an Organ Procurement Organization (OPO) to be paid by Medicare or Medicaid, the OPO must be a member of and abide by the rules and requirements of the OPTN. No other entity (for example, a histocompatibility laboratory) is required to be a member of or abide by the rules of the OPTN under the provisions of the statute. It is the

Department's position that no rule, requirement, policy, or other issuance of the OPTN will be considered to be a "rule or requirement" of the Network within the meaning of section 1138 unless the Secretary has formally approved that rule. The OPTN is currently in operation and these rules will impose no further cost or provide any benefit other than that which now exists.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Judy Braslow, Director, Division of Organ Transplantation, Bureau of Health Resources Development, Department of Health and Human Services, Public Health Service, Room 11A-22, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-7577

**RIN:** 0905-AD26

#### 1105. NATIONAL VACCINE INJURY COMPENSATION (NVIC) PROGRAM: REVISIONS TO THE VACCINE INJURY TABLE

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 216; 42 USC 300aa-14; 42 USC 300aa-1 note.

**CFR Citation:** 42 CFR 100

**Legal Deadline:** NPRM, Statutory, December 22, 1990.

Section 312 of PL 99-660 requires the Secretary to propose regulations to amend the Vaccine Injury Table, based on the findings of the Institute of Medicine (IOM) study, (cont)

**Abstract:** The National Vaccine Injury Compensation (NVIC) Program, administered by the Secretary, and governed by subtitle 2 of title XXI of the Public Health Service Act, as enacted by the National Childhood Vaccine Injury Act of 1986 (the Act), provides a system of no-fault compensation for certain individuals who have been injured by specific childhood vaccines. The nature of the injuries, disabilities, illnesses, conditions, and deaths which will be presumed to result from the administration of specific vaccines, and the time period in which the first

symptom or manifestation of onset must occur for this presumption to apply, are outlined in section 2114 of the Act in what is known as the Vaccine Injury Table. This NPRM proposes to make refinements to the Vaccine Injury Table to more accurately reflect current scientific knowledge about the conditions that result from vaccines which will result in appropriate compensation for injuries related to vaccines.

**Timetable:**

Action	Date	FR Cite
NPRM	08/14/92	57 FR 36878
NPRM Comment Period End	02/11/93	
Final Action	02/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** LEGAL DEADLINE CONT: within 3 years of the effective date of title III (12/22/87). Since the IOM study was not completed until August 1991, it was not possible to meet this legal deadline. This section also requires the Final regulation to be published 6 months after the NPRM. Given the 180-day comment period, the 6-month requirement is an impossibility.

**Agency Contact:** Thomas E. Balbier, Jr., Director, Division of Vaccine Injury Compensation Program, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 702, Montrose Building, 6001 Montrose Road, Rockville, Maryland 20852, 301 443-6593

**RIN:** 0905-AD64

#### 1106. NATIONAL PRACTITIONER DATA BANK: MEDICAL MALPRACTICE PAYMENTS REPORTING REQUIREMENTS

**Legal Authority:** 42 USC 11131

**CFR Citation:** 45 CFR 60

**Legal Deadline:** None

**Abstract:** This NPRM proposes to require that in addition to reporting to the National Practitioner Data Bank medical malpractice payments made where physicians or other health care practitioners are named in judgments or settlements, payments be reported where they are made for the benefit of physicians or other health care practitioners not named in the judgments or settlements but who furnished or failed to furnish the health



HHS—PHS—HRSA

Proposed Rule Stage

care services upon which the actions or claims were based. The purpose of this NPRM is to prevent the evasion of the medical malpractice payment reporting requirement of the Data Bank through the agreement of the parties to a lawsuit to use the "corporate veil" to prevent the health care practitioner from being reported.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	05/00/93	
Period End		

**Small Entities Affected:** None  
**Government Levels Affected:** None

**Agency Contact:** Thomas C. Croft, Actg Director, Division of Quality Assurance, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, Room 8-67, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-2300  
**RIN:** 0905-AD70

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

Final Rule Stage

**Public Health Service (PHS)—Health Resources and Services Administration (HRSA)**

**1107. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PERFORMANCE STANDARDS**

**Significance:** Regulatory Program  
**Legal Authority:** 42 USC 216; 42 USC 294 to 294l  
**CFR Citation:** 42 CFR 60  
**Legal Deadline:** None

**Abstract:** This rule amends existing regulations governing the HEAL program to establish performance standards against which school, lender, and holder default rates would be measured. These standards would provide schools, lenders, and holders a greater incentive to work to maintain low HEAL default rates and, thus, improve the long-term solvency of the Student Loan Insurance Fund.

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/90	55 FR 40140
NPRM Comment	11/30/90	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** None

**Agency Contact:** James W. Farrington, D.M.D., Deputy Director, Division of Student Assistance, BHP, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Parklawn Building, Rockville, MD 20857, 301 443-1173

**RIN:** 0905-AC87

**1108. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: POSTJUDGMENT COLLECTIONS**

**Legal Authority:** 42 USC 216; 42 USC 294 to 294l  
**CFR Citation:** 42 CFR 60  
**Legal Deadline:** None

**Abstract:** In accordance with the statutory requirement in the Drug Abuse Treatment Technical Corrections Act of 1989, which amended section 733(h)(2) of the Public Health Service Act, this rule would amend existing regulations governing the Health Education Assistance Loan (HEAL) program to specify postjudgment collection procedures which a lender or holder must follow prior to filing a default claim.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/90	55 FR 35687
NPRM Comment	10/30/90	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** None

**Agency Contact:** Michael Heningburg, Director, Division of Student Assistance, BHP, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1173

**RIN:** 0905-AD11

**1109. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM**

**Legal Authority:** PL 100-177; 42 USC 2541-1  
**CFR Citation:** 42 CFR 62.25(a)

**Legal Deadline:** None

**Abstract:** Abstract LRP -- This amendment revises section 62.25(a) of the interim rule for the National Health Service Corps Loan Repayment Program (LRP) as published April 3, 1989. The LRP authorizes the Secretary to repay a participant's graduate and undergraduate educational loans in exchange for health services provided in a federally designated health professional shortage area for a certain period of time. Loan repayments by the Secretary in advance of a participant's service are limited to one month or less. This amendment removes the provision which limits the Secretary's payment to one month in advance of services before the restrictive payment schedule has had an adverse affect on the successful implementation of the LRP. Deleting the payment limitation permits the program lump-sum payments at or near the beginning of the participant's service thereby increasing the attractiveness of the program. Other subparts of the interim rule will be revised to reflect the National Health Service Corps Revitalization Amendments of 1990 and will be published as an NPRM (see RIN 0905-AC65) in the near future. These amendments do not address the payment schedule issue.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** None

**Agency Contact:** Rhoda Abrams, Director, Office of Program and Policy Development, Bureau of Primary Health Care, Department of Health and Human Services, Public Health Service,



## HHS—PHS—HRSA

Final Rule Stage

Parklawn Bldg. Room 7-34, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2330

RIN: 0905-AD57

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

## Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

## 1110. GRANTS FOR COMMUNITY HEALTH CENTERS

CFR Citation: 42 CFR 51c

## Completed:

Reason	Date	FR Cite
Withdrawn Program guidance provided through publication of Notices	06/26/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, 301 443-2330

RIN: 0905-AC85

## 1111. GRANTS FOR MIGRANT HEALTH SERVICES

CFR Citation: 42 CFR 56

## Completed:

Reason	Date	FR Cite
Withdrawn Program Guidance provided through publication of Notices	06/29/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, 301 443-2330

RIN: 0905-AC86

## 1112. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUBLIC LAW 100-607

CFR Citation: 42 CFR 60

## Completed:

Reason	Date	FR Cite
Final Action	06/29/92	57 FR 28789

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stuart Weiss, 301 443-1540

RIN: 0905-AD05

## 1113. VACCINE INJURY COMPENSATION: CALCULATION OF COST OF HEALTH INSURANCE

CFR Citation: 42 CFR 100

## Completed:

Reason	Date	FR Cite
Final Action	06/24/92	57 FR 28098

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Balbier, 301 443-6593

RIN: 0905-AD25

## 1114. TECHNICAL AMENDMENTS TO THE HEALTH PROFESSIONS AND NURSING TRAINING GRANT AND LOAN PROGRAMS (42 CFR 57)

**Legal Authority:** 42 USC 294m to 294g subpart C; 42 USC 297a to 297i subpart D; 42 USC 297-1 subpart F; 42 USC 295g-8(d) subpart H; 42 USC 292a(8)(B) subpart I; 42 USC 295g-5 subpart L; 42 USC 295g-8(a) subpart Q; 42 USC 295g

subpart R; 42 USC 295g-7 subparts S and DD; 42 USC 295g-2 subpart V; 42 USC 296m subparts Y and AA; 42 USC 296l subpart Z; 42 USC 294z subpart CC; 42 USC 295g-4 subpart FF; 42 USC 295g-8(e) subpart NN; ...

CFR Citation: 42 CFR 57

Legal Deadline: None

**Abstract:** This final rule revises regulations codified at 42 CFR part 57, which governs various Public Health Service health professions and nursing training grant and loan programs to: 1) bring these programs into conformity with statutory amendments made to the various sections of the PHS Act under titles VII and VIII; 2) include other changes to bring the regulations into line with current Department regulatory and grant policies; 3) amend regulatory sections that contain information collection requirements with current Office of Management and Budget approval numbers; and 4) make other changes which are editorial or clarifying in nature.

## Timetable:

Action	Date	FR Cite
Final Action	10/05/92	57 FR 45725

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Shirley L. Johnson, Director, Office of Program Development, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, Room 8A55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-1590

RIN: 0905-AD63

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

## Public Health Service (PHS)—Indian Health Service (IHS)

## 1115. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM REGULATIONS

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

**Abstract:** Public Law 100-713, enacted November 23, 1988, authorized a

program in which health professionals would have their health professions education loans repayed in amounts up to a maximum of \$25,000 per year in exchange for service in an Indian



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Proposed Rule Stage

health program. The Secretary is directed to implement some provisions by regulations, i.e., waiver provision.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Wesley Picciotti, Chief, Scholarship Branch, Indian Health Service, Department of Health and Human Services, Public Health Service, 12300 Twinbrook Parkway, Suite 100, Rockville, MD 20852, 301 443-6197

RIN: 0905-AC96

### 1116. INDIAN HEALTH CATASTROPHIC HEALTH EMERGENCY FUND PROGRAM

**Legal Authority:** PL 100-713

**CFR Citation:** 42 CFR 36

**Legal Deadline:** None

**Abstract:** Public Law 100-713, enacted November 23, 1988, authorized a new program establishing a catastrophic health emergency fund. The Secretary is directed to establish the program by regulations consistent with provisions of the Law including a definition of a catastrophic disease.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 6-

34, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905-AC97

### 1117. REVISION OF INDIAN SELF-DETERMINATION REGULATIONS

**Significance:** Regulatory Program

**Legal Authority:** PL 93-638; PL 100-202; PL 100-446; PL 100-472; PL 100-581; PL 101-301; 25 USC 450

**CFR Citation:** 42 CFR 36; 48 CFR 380.4; 48 CFR 352.280-4

**Legal Deadline:** NPRM, Statutory, May 5, 1989. Final, Statutory, August 5, 1989.

**Abstract:** Public Law 93-638 passed in 1975, requires the IHS to turn over administrative responsibility to tribes so requesting, using the mechanism of contracting. Public Law 93-638 also authorizes the IHS to make grants to tribe(s) for the planning, development, and/or operations of health programs. Public Law 100-472, enacted October 5, 1988, made significant changes to the state and required that regulations implementing the amendments be promulgated in final within ten months of enactment. The law provides for tribal consultation and participation in the development of the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	
NPRM Comment	10/00/93	
Period End		
Final Action	10/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** 1. The Act (P.L. 100-472) provides that except for construction contracts, the Office of Federal Procurement Policy Act and Federal Acquisition Regulations shall

not apply to self-determination contracts. Therefore, implementing regulations for the Indian Self-Determination Act amendments will include a subpart on construction contracts which, unlike other self-determination awards, will be made subject to certain procurement rules (e.g., FARS, HSARS, FSARS). 2. There is a statutory requirement to implement P.L. 93-636 regulations. 3. There is a paperwork burden associated with the action. It will be included with the overall clearance package.

**Agency Contact:** Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 6-34, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905-AC98

### 1118. REVISION OF URBAN INDIAN HEALTH REGULATIONS

**Legal Authority:** PL 100-713

**CFR Citation:** 42 CFR 36

**Legal Deadline:** None

**Abstract:** P.L. 100-713, enacted November 23, 1988, requires the Secretary to prescribe, by regulation, the criteria for selecting urban Indian organizations to enter into contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, OPEL, Department of Health and Human Services, Public Health Service, Parklawn Building, Room 6-34, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905-AD20



## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

## Public Health Service (PHS)—Indian Health Service (IHS)

## 1119. REVIEW OF THE DETERMINATION OF AN INDIAN TRIBE'S RESOURCE DEFICIENCY LEVEL

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

**Abstract:** P.L. 100-713, enacted November 23, 1988, requires the Secretary to establish, by regulation, procedures which would allow any Indian tribe to petition the Secretary for a review of any determination of the

health resources deficiency level of such tribe.

**Timetable:**

Action	Date	FR Cite
NPRM	10/10/91	56 FR 51189
NPRM Comment Period End	12/09/91	56 FR 51189
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Richard J. McCloskey, Dir., Div. of Legislation and

Regulations, Indian Health Service, OPEL, Department of Health and Human Services, Public Health Service, Parklawn Building, Room 6-34, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1116

RIN: 0905-AD21

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

## Public Health Service (PHS)—Indian Health Service (IHS)

## 1120. CHSDA EXPANSION FOR GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN

CFR Citation: 42 CFR 36.22(b)

**Completed:**

Reason	Date	FR Cite
No rulemaking action needed; notice to be published	08/21/92	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Richard J. McCloskey, 301 443-1116

RIN: 0905-AD61

## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

## Public Health Service (PHS)—National Institutes of Health (NIH)

## 1121. GRANTS FOR RESEARCH PROJECTS

**Legal Authority:** 21 USC 360ii; 21 USC 1177; 42 USC 216; 42 USC 241; 42 USC 242a; 42 USC 285a; 42 USC 285g-4; 42 USC 286b-4; 42 USC 290bb; 42 USC 300a-2; 42 USC 300a-4; 42 USC 300z-7; 42 USC 300cc-14; 42 USC 300cc-15; 42 USC 300cc-20; ...

CFR Citation: 42 CFR 52

Legal Deadline: None

**Abstract:** Regulations covering grants for research projects will be amended to 1) correct PHS Act section numbers, 2) show their applicability to new programs resulting from enactment of PL 99-158, PL 100-607, provisions of Title IX of PL 99-660, and PL 101-613, 3) update the list of other HHS regulations and policies that apply, and 4) make other minor language changes.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: Undetermined

**Government Levels Affected:** Local, State, Federal

**Additional Information:** 42 USC 300cc-20; 42 USC 300cc-41; 42 USC 7403

**Agency Contact:** John J. Migliore, 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-AC02

## 1122. SPECIAL VOLUNTEER SERVICES AT THE NATIONAL INSTITUTES OF HEALTH

**Legal Authority:** 42 USC 216; 42 USC 282(b)(10); 42 USC 284(b)(1)(k)

CFR Citation: 45 CFR 57A

Legal Deadline: None

**Abstract:** Sections 402 and 405 of the PHS Act authorize the Secretary, HHS, acting through the Director, NIH, and the Directors of NIH organizations with appropriate delegated authority to accept services of special volunteers provided without NIH compensation in support of NIH functions. These new regulations will describe the process for accepting and using these volunteer services.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Stephen C. Benowitz, Director, Division of Personnel Management, Department of Health and Human Services, Public Health Service, NIH, Bldg. 1, Rm. B1-60, 9000 Rockville Pike, Bethesda, MD 20892, 301 496-3592

RIN: 0905-AC95

## 1123. NATIONAL INSTITUTES OF HEALTH AIDS RESEARCH LOAN REPAYMENT PROGRAM

**Legal Authority:** 42 USC 216; 42 USC 288-1

CFR Citation: 42 CFR 68

Legal Deadline: None

**Abstract:** Section 634 of PL 100-607 creates a new program through which health professionals can obtain federally funded repayment of educational loans by conducting AIDS research as NIH employees. The new regulations will cover this program.



HHS—PHS—NIH

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Marc Horowitz, Director, NIH AIDS Research Loan Repayment Program, Department of Health and Human Services, Public Health Service, Office of AIDS Research, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892, 301 496-0357

RIN: 0905-AD18

**1124. TRAINEESHIPS**

**Legal Authority:** 42 USC 216; 42 USC 284(b)(1)(C); 42 USC 286b-3; 42 USC 287c-1

**CFR Citation:** 42 CFR 63**Legal Deadline:** None

**Abstract:** Current regulations at 42 CFR 63 will be revised in their entirety to cover traineeships awarded by NIH under the authority provided in sections 405(b)(1)(C) and 484 of the PHS Act.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** John Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B11, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AD28

**1125. HAZARDOUS SUBSTANCES BASIC RESEARCH AND TRAINING GRANTS**

**Legal Authority:** 42 USC 9860; 42 USC 216

**CFR Citation:** 42 CFR 65a**Legal Deadline:** None

**Abstract:** Regulations will be promulgated to implement the authority in section 209 of PL 99-499 for the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to establish and support a hazardous substances basic

research and training (including epidemiologic and ecologic studies) program.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Dr. William A. Suk, Program Administrator, Division of Extramural Research and Training, Department of Health and Human Services, Public Health Service, NIEHS, P.O. Box 12233, Research Triangle Park, NC 27709, 919 541-0797

RIN: 0905-AD48

**1126. MINORITY BIOMEDICAL RESEARCH SUPPORT PROGRAM**

**Legal Authority:** 42 USC 216; 42 USC 241(a)(3)

**CFR Citation:** 42 CFR 52c**Legal Deadline:** None

**Abstract:** NIH regulations concerning the Minority Biomedical Research Support (MBRS) Program will be amended to (1) change the name of Part 52c to correspond to the present name of the program, (2) update the authority citation and section 52c.7, and (3) revise the definition of "ethnic minorities" in section 52c.2 to correspond to the present operational definition used in administering the program.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B11, Bethesda, Maryland 20892, 301 496-4606

RIN: 0905-AD47

**1127. NATIONAL HEART, LUNG, AND BLOOD INSTITUTE GRANTS FOR PREVENTION AND CONTROL PROJECTS**

**Legal Authority:** 42 USC 216; 42 USC 285b-1

**CFR Citation:** 42 CFR 52e**Legal Deadline:** None

**Abstract:** NIH regulations covering NHLBI grants for prevention and control projects will be amended to correct PHS Act section numbers. Additionally, the listing of other HHS regulations and policies that apply will be updated.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B11, Bethesda, Maryland 20892, 301 496-4606

RIN: 0905-AD48

**1128. NATIONAL INSTITUTES OF HEALTH CONSTRUCTION GRANTS**

**Legal Authority:** 42 USC 216; 42 USC 285a-2; 42 USC 285a-3; 42 USC 285b-3; 42 USC 285b-4; 42 USC 285d-6; 42 USC 285i; 42 USC 300cc-41

**CFR Citation:** 42 CFR 52b**Legal Deadline:** None

**Abstract:** Regulations concerning NCI construction grants will be amended to more clearly show their general applicability to all NIH extramural programs with construction grant authority. Additionally, the regulations will be amended to show new administrative and technical requirements, add new procedures for the recovery of grant funds for facilities no longer used for biomedical research, show new PHS Act section numbers, and update the listing of other HHS regulations relevant to construction grants.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31,



HHS—PHS—NIH

Proposed Rule Stage

Rm 3B11, Bethesda, Maryland 20892,  
301 496-4606

RIN: 0905-AD49

**1129. TRAINING GRANTS**

**Legal Authority:** 42 USC 216; 42 USC 285a-2; 42 USC 285b; 42 USC 285c; 42 USC 285c-2; 42 USC 285d; 42 USC 285d-2; 42 USC 285e to 285g; 42 USC 285g-4; 42 USC 285h to 285i; 42 USC 287c-1; 42 USC 300cc-15; 42 USC 300cc-41; 42 USC 7403h-2; 42 USC 2421

**CFR Citation:** 42 CFR 63a

**Legal Deadline:** None

**Abstract:** A new Part 63a will be promulgated to govern several recently authorized programs as a set of standing regulations that could be modified for future training grant programs needs, and for training grant programs presently authorized in a number of sections of the PHS Act, as amended (42 USC 201 et seq.) and

section 103(h)(2) of the Clean Air Act, as amended (42 USC 7403(h)(2)).

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

NPRM 02/00/93

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm 3B-11, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AD56

**1130. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES HAZARDOUS WASTE WORKER TRAINING**

**Legal Authority:** 42 USC 9660a; 42 USC 1816

**CFR Citation:** 42 CFR 65

**Legal Deadline:** None

**Abstract:** The existing regulations at 42 CFR Part 65 pertaining to NIEHS Hazardous Waste Worker Training will be amended to make them applicable to the new Hazmat Employee Training Grants Program authorized under section 118 of PL 101-615, Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA).

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

NPRM 02/00/93

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B11, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AD69

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

Final Rule Stage

**Public Health Service (PHS)—National Institutes of Health (NIH)****1131. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS**

**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; 42 USC 285e-3; 42 USC 285m-3; 42 USC 300cc-16

**CFR Citation:** 42 CFR 52a

**Legal Deadline:** None

**Abstract:** NIH center grants regulations will be revised to incorporate changes necessitated by enactment of the Health Research Extension Act of 1985 (PL 99-158) and the Health Omnibus Programs Extension of 1988 (PL 100-607).

**Timetable:**

Action	Date	FR Cite
NPRM	05/13/91	56 FR 21974
NPRM Comment Period End	07/12/91	56 FR 21974
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John J. Migliore, 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

**1132. CRITERIA, STANDARDS, AND PROCEDURES FOR THE NATIONAL BONE MARROW DONOR REGISTRY, INDIVIDUAL DONOR CENTERS, DONOR REGISTRIES, MARROW COLLECTION CENTERS, AND TRANSPLANT CENTERS**

**Legal Authority:** 42 USC 216; 42 USC 274k

**CFR Citation:** 42 CFR 122

**Legal Deadline:** Final, Statutory, May 14, 1991.

**Abstract:** Regulations will be promulgated to implement Title I of PL 101-616, Transplant Amendments Act of 1990, which added section 379 to the Public Health Service Act. Section 379

authorizes the Secretary to establish and maintain a National Bone Marrow Donor Registry, and further provides that the Secretary shall establish and enforce criteria, standards, and procedures for entities participating in the National Bone Marrow Donor Program, including the National Registry.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/93	

Interim Final Rule 02/00/93

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Paul R. McCurdy, MD, Special Assistant for Clinical Hematology, Div. of Blood Diseases and Resources, NHLBI, Department of Health and Human Services, Public Health Service, Federal Building, Room 516, 7550 Wisconsin Avenue, Bethesda, MD 20892, 301 496-8387

RIN: 0905-AD51



DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Agency for Health Care Policy and Research (AHCPR)

133. GRANTS FOR HEALTH SERVICES RESEARCH, EVALUATION, DEMONSTRATION, AND DISSEMINATION PROJECTS

Legal Authority: 42 USC 299c-1(e)

FR Citation: 42 CFR 67

Legal Deadline: None

Abstract: This NPRM proposes to revise the regulations under 42 CFR part 67 governing grants for health services research and grants for health services research centers made by the former National Center for Health Services Research and Health Care Technology Assessment (NCHSR).

Public Law 101-239, enacted on December 19, 1989, established the Agency for Health Care Policy and Research, replacing the NCHSR, and provided the new agency with a much expanded role in health services research. The NPRM will incorporate applicable provisions of the new law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda K. Demlo, Ph.D., Dir. Office of Program Development, Agency for Health Care Policy and Research, Department of Health and Human Services, Public Health Service, Suite 603, 2101 East Jefferson Street, Rockville, MD 20852, 301 227-8453

RIN: 0905-AD30

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Health Care Financing Administration (HCFA)

134. ● USE OF FEDERALLY STANDARDIZED CLAIMS PROCESSING FORMS AND PROCEDURES (MB-069-NPR)

Significance: Regulatory Program

Legal Authority: 42 USC 1301

FR Citation: Not applicable

Legal Deadline: None

Abstract: This notice outlines the steps that HCFA intends to take to streamline Medicaid claims processing by developing and requiring the use of a universal Medicaid claims processing

form, as well as electronic data transmission standards. These steps are part of a strategy developed by the Department to reduce administrative costs and burden throughout the health care system. We anticipate that the increased use of electronic claims will help reduce administrative costs by eliminating the need for burdensome paperwork and duplication of effort.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Richard Friedman, Director, Division of Payment Systems, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-3292

RIN: 0938-AG14

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Health Care Financing Administration (HCFA)

135. ADMINISTRATIVE APPEALS PROCESS FOR PROVIDER PAYMENT DISPUTES INCLUDING AMENDING COST REPORTS & REOPENING INTERMEDIARY PAYMENT DETERMINATIONS & ADMINISTRATIVE REVIEW DECISIONS (BPD-221-P)

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 1395ii; 42 USC 1395oo

FR Citation: 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1863; 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837; 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889; 42 CFR 405.1872(b); 42 CFR 413.24

Legal Deadline: None

Abstract: This proposal would clarify and establish rules governing the administrative appeals process for providing appeals of payment disputes including rules distinguishing 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 Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex policy and operational issues.

Agency Contact: Paul Olenick, Director, Division of Medicare Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4472

RIN: 0938-AA33

1136. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES (BPD-309-P)

Legal Authority: 42 USC 1395l(a)(1)(D); 42 USC 1395l(a)(2)(D); 42 USC



HHS—HCFA

Proposed Rule Stage

1395l(b)(3); 42 USC 1395l(h); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(7); 42 USC 1302; 42 USC 1395hh

**CFR Citation:** 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.506; 42 CFR 405.511; 42 CFR 405.556; 42 CFR 405.1310; 42 CFR 413.170; 42 CFR 414.350 to 414.378; 42 CFR 424.55; 42 CFR 424.64; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321

**Legal Deadline:** None

**Abstract:** These regulations would incorporate provisions of Public Laws 99-272, 99-509, 100-203, 100-647, 101-239, and 101-508 regarding payment and "assignment" for diagnostic clinical laboratory tests establishing in regulations the methods for implementing fee schedules. These rules would set forth the methods by which the fee schedules would be updated and would allow certain adjustment for exceptions to the fee schedules.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Payment, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 965-4497

**RIN:** 0938-AB50

**1137. HOSPICE SERVICES (MB-7-P)**

**Legal Authority:** 42 USC 1396d(a)(18); 42 USC 1396d(o); 42 USC 1396a(a)(13)(D); 42 USC 1396o(a)(2)(E); 42 USC 1302

**CFR Citation:** 42 CFR 418.32; 42 CFR 435.218; 42 CFR 435.231; 42 CFR 440.185; 42 CFR 447.53; 42 CFR 447.327; 42 CFR 447.381 to 447.384; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.231

**Legal Deadline:** None

**Abstract:** This regulation would implement section 9505 of PL 99-272 by establishing eligibility and coverage requirements, payment procedures and conditions of participation for optional Medicaid coverage of hospice care. It would also implement section 9435(b) of PL 99-509 regarding payment for hospice care for individuals residing in

a nursing facility or intermediate care facility in a State that has not elected to cover hospice services. It also would implement sections 4705 and 4717 of PL 101-508 which further clarifies conditions for payment and the scope of benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/93	

**Small Entities Affected:** Organizations

**Government Levels Affected:** State

**Agency Contact:** Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-5659

**RIN:** 0938-AC52

**1138. DENIAL OF PAYMENT FOR SUBSTANDARD QUALITY CARE (HSQ-132-P)**

**Legal Authority:** 42 USC 1320c-3(a); 42 USC 1395cc(a)(1)(K); 42 USC 1395u; 42 USC 1395pp(b); 42 USC 1302; 42 USC 1395hh

**CFR Citation:** 42 CFR 462.105; 42 CFR 466; 42 CFR 473; 42 CFR 476; 42 CFR 489.21

**Legal Deadline:** None

**Abstract:** This final rule implements section 9403 of Pub. L. 99-272; section 9353(c) of Pub. L. 99-509; section 4096(a) of Pub. L. 100-203; and section 4205 of Pub. L. 101-508. In accordance with these statutory provisions, Peer Review Organizations (PROs) are authorized to deny Medicare payment to a physician or hospital for services furnished that are of substandard quality. Beneficiaries are protected from liability for the cost of the services where payment is denied because services were of substandard quality.

**Timetable:**

Action	Date	FR Cite
NPRM	01/18/89	54 FR 1956
NPRM Comment - Period End	03/20/89	54 FR 1956
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:**

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** Harvey Brook, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 410 966-6853

**RIN:** 0938-AC84

**1139. REVISED EFFECTIVE DATE OF MEDICARE/MEDICAID PROVIDER AGREEMENT AND SUPPLIER PARTICIPATION (HSQ-139-P)**

**Legal Authority:** 42 USC 1302; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396i

**CFR Citation:** 42 CFR 440.10; 42 CFR 440.70; 42 CFR 442.13; 42 CFR 488.11; 42 CFR 489.13; 42 CFR 498.3

**Legal Deadline:** None

**Abstract:** This rule would establish uniform rules for determining the effective date of participation for all Medicare and Medicaid providers and suppliers. It would also specify that those dissatisfied with a decision on their effective date of participation under Medicare are entitled to a Medicare reconsideration and hearing on the decisions.

**Timetable:**

Action	Date	FR Cite
NPRM	10/08/92	57 FR 46362
NPRM Comment - Period End	12/07/92	
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** State, Federal

**Agency Contact:** Irene Gibson, Director, Division of Program Operations, 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, 410 966-6768

**RIN:** 0938-AC88

**1140. PRO REVIEW OF SURGICAL PROCEDURES AND REQUIREMENTS FOR SECOND OPINIONS (HSQ-147-P)**

**Legal Authority:** 42 USC 1320c-13; 42 USC 1302; 42 USC 1395hh; 42 USC 1395pp



**CFR Citation:** 42 CFR 466.150 to 466.190; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 405.332

**Legal Deadline:** None

**Abstract:** This proposed rule would implement section 9401 of Pub.L. 99-272, which provides that, under Medicare, a physician must request from the Peer Review Organization (PRO) preadmission review for certain surgical 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 would obtain an opinion from a second physician, or where the opinion of the second physician differs from the first physician, the beneficiary may obtain an opinion from a third physician. In addition, as required by section 4096(b) of Pub.L. 100-203, if an assigned claim by a physician or supplier or any claim by a provider is denied because the services furnished are not reasonable and necessary or constitute custodial care and the physician, supplier or provider, but not the beneficiary, knew, or reasonably could be expected to know, that the services were not covered by Medicare, (cont)

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT CONT: the physician, supplier or provider would not be entitled to collect and retain payment from the beneficiary for those services.

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** Harvey Brook, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 410 966-5853

**RIN:** 0938-AC90

**1141. PAYMENT FOR THE COST OF MALPRACTICE INSURANCE FOR HOSPITALS EXCLUDED FROM THE PROSPECTIVE PAYMENT SYSTEM (BPD-437-P)**

**Legal Authority:** 42 USC 1302; 42 USC 1395hh; 42 USC 1395x(v)(1)(A)

**CFR Citation:** 42 CFR 413.56

**Legal Deadline:** None

**Abstract:** This rule would revise the method Medicare uses to determine payment for the costs of malpractice insurance incurred by a hospital. A hospital would receive payment for its malpractice insurance costs based on the utilization formula adopted by the Secretary at the beginning of the Medicare program. That is, malpractice insurance costs will be included in the general and administrative cost center, along with other provider overhead costs, to be apportioned to the Medicare program based on the hospital's Medicare patient utilization.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Agency Contact:** Paul Trimble, Special Assistant, Office of 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, 410 966-4509

**RIN:** 0938-AC97

**1142. OPTIONAL PAYMENT SYSTEM FOR LOW MEDICARE VOLUME SKILLED NURSING FACILITIES (BPD-409-P)**

**Legal Authority:** 42 USC 1395yy(d); 42 USC 1395hh; 42 USC 1302

**CFR Citation:** 42 CFR 413.200; 42 CFR 413.202; 42 CFR 413.204; 42 CFR 413.208; 42 CFR 413.210; 42 CFR 413.212; 42 CFR 413.214; 42 CFR 413.216; 42 CFR 413.220; 42 CFR 413.221; 42 CFR 413.1; 42 CFR 413.24

**Legal Deadline:** None

**Abstract:** This rule proposes to establish 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. Ancillary services will be paid on the basis of reasonable cost. This rule would propose instructions for determining eligibility for payment under this system, and the methodology for calculating the prospective payment rates. Freestanding SNFs electing to be paid under this prospective payment system may file a simplified cost report.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/00/92

**Small Entities Affected:** None

**Government Levels Affected:** 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, 410 966-4513

**RIN:** 0938-AD02

**1143. MEDICAID ELIGIBILITY OF POVERTY LEVEL GROUPS AND EXTENDED COVERAGE OF SERVICES (MB-13-P)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1396a(a)(10); 42 USC 1396a(l); 42 USC 1396a(f); 42 USC 1302; 42 USC 1396a(m); 42 USC 1396b(f); 42 USC 1396r-1; 42 USC 1396a(a)(47); 42 USC 1396a(e)(6); 42 USC 1396a(e)(7); 42 USC 1396a(a)(17)

**CFR Citation:** 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

**Legal Deadline:** None

**Abstract:** This rule would amend the Medicaid regulations to incorporate changes relating to Medicaid eligibility groups and coverage of services made by the Medicare Catastrophic Coverage Act of 1988 (PL 100-360), the Omnibus Budget Reconciliation Acts of 1990, 1989, 1987, and 1986, (PL 101-508, PL 101-239, PL 100-203 and PL 99-509), and the Homeless Eligibility Clarification Act of the Anti-Drug Abuse Act of 1986 (PL 99-570). This rule would add eligibility groups of pregnant women, infants and children, and aged and disabled individuals with incomes up to specified percentage of the Federal



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poverty line; clarify eligibility of homeless individuals; and add provisions for the presumptive eligibility period for pregnant women who, based on preliminary information, appear to meet income requirements under Medicaid.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:**

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4451

**RIN:** 0938-AD17

#### 1144. TRANSFER OF RESOURCES FOR LESS THAN FAIR MARKET VALUE (MB-10-P)

**Legal Authority:** 42 USC 1302; 42 USC 1396p(c)

**CFR Citation:** 42 CFR 435; 42 CFR 436

**Legal Deadline:** None

**Abstract:** These regulations would conform the Medicaid regulations to the new section 1917(c) of the Social Security Act, which was entirely revised by section 303(b) of the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360) as amended by section 608(d)(16)(B) of the Family Support Act (Pub. L. 100-485) and section 6411(e)(1) of OBRA '89 (Pub. L. 101-239). Section 1917(c) now requires that State Medicaid agencies provide individuals who are receiving nursing facility services or receiving home and community based services with a period of ineligibility for Medicaid coverage of those services for up to 30 months if these individuals or their spouses made transfers of assets for less than fair market value during a prohibited period. The period of ineligibility applies if the individual or spouse made a transfer of assets for less than fair market value at any time during or after the 30-month period immediately before (1) the date the

individual became institutionalized, if he or she was entitled to Medicaid on that date, or (2) the date he or she applied for Medicaid while institutionalized. Section 1917(c) (Cont)

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:** ABSTRACT CONT: also exempts certain specific transfers of assets from the period of ineligibility.

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4451

**RIN:** 0938-AD18

#### 1145. MEDICARE COVERAGE OF OUTPATIENT OCCUPATIONAL THERAPY SERVICES (BPD-425-P)

**Legal Authority:** 42 USC 1302; 42 USC 1395x(g); 42 USC 1395x(p); 42 USC 1395x(w); 42 USC 1395hh

**CFR Citation:** 42 CFR 400.202; 42 CFR 410; 42 CFR 424; 42 CFR 484; 42 CFR 485; 42 CFR 489

**Legal Deadline:** None

**Abstract:** This proposed rule would implement section 9337 of PL 99-509 which provides Medicare coverage for outpatient occupational therapy services furnished by providers and independent practitioners, identical to the coverage for outpatient physical therapy. It also would implement section 6133(a) of PL 101-239 which increased the payment limit for outpatient occupational therapy services provided by independent practitioners. This proposed rule would also redesignate current subpart Q of part 405 of the Medicare rules as new part 485.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marsha Klamner, Program Analyst, Alternative Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, Rm. 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4632

**RIN:** 0938-AD32

#### 1146. REVISIONS TO THE FREEDOM OF INFORMATION REGULATIONS (OPA-1-P)

**Legal Authority:** 42 USC 1306; 5 USC 552; 42 USC 1302; PL 99-570; EO 12600

**CFR Citation:** 42 CFR 401.101 to 401.104; 42 CFR 401.110 to 401.112; 42 CFR 401.120 to 401.125; 42 CFR 401.130 to 401.138; 42 CFR 401.140 to 401.145; 42 CFR 401.150 to 401.154

**Legal Deadline:** None

**Abstract:** This rule proposes changes to the regulations implementing the Freedom of Information Act (FOIA). The regulations are being revised based on HCFA's experience with the FOIA in administering the Medicare and Medicaid programs. This proposed rule would also conform HCFA's FOIA regulations to regulations published by the Department of Health and Human Services, as well as to guidance issued by the Office of Management and Budget, the Department of Justice, Presidential Executive Order 12600, and to the Freedom of Information Reform Act of 1986.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Rosario Cirrincione, Director, Freedom of Information Division, Department of Health and Human Services, Health Care Financing Administration, Room 100 Professional Bldg., 6660 Security Blvd., Baltimore, MD 21207, 410 966-5352

**RIN:** 0938-AD60

#### 1147. CHANGES CONCERNING THE INVESTMENT INCOME OFFSET POLICY (BPD-481-P)

**Legal Authority:** 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1302



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**CFR Citation:** 42 CFR 413.153; 42 CFR 413.130

**Legal Deadline:** None

**Abstract:** This proposed rule would require that "necessary interest" be offset by investment income for purposes of Medicare reasonable cost reimbursement. Rather than offset interest expense by investment income, we are proposing to reduce (dollar for dollar) allowable debt principal related to patient care by the principal amount of investment funds generated from operations related to patient care and subsequently invested in nonpatient care activities or in another provider's patient care activities.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**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 Boulevard, Baltimore, Maryland 21207, 410 966-4513

**RIN:** 0938-AD72

**1148. CLARIFICATION OF AND CHANGES TO MEDICARE COVERAGE POLICY REGARDING DURABLE MEDICAL EQUIPMENT (BPD-468-P)**

**Legal Authority:** 42 USC 1302; 42 USC 1395x(n); 42 USC 1395x(s); 42 USC 1395hh

**CFR Citation:** 42 CFR 410

**Legal Deadline:** None

**Abstract:** This regulation would codify certain longstanding policies that concern the coverage, limitations, and exclusions applicable to durable medical equipment (DME). It also proposes changes to some current policies. It would also establish training standards that must be met by DME suppliers.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Sam DellaVecchia, Chief, Special Coverages Issues Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5395

**RIN:** 0938-AD77

**1149. APPEALS FOR ENROLLEES OF PREPAID HEALTH CARE PLANS (OCC-020-P)**

**Legal Authority:** 42 USC 1395mm; 42 USC 1302; 42 USC 1395hh; 42 USC 1395l(a)(1)(A)

**CFR Citation:** 42 CFR 405; 42 CFR 417; 42 CFR 482

**Legal Deadline:** None

**Abstract:** This rule would amend or establish regulations relating to appeal rights and procedures for Medicare beneficiaries who are enrolled in health maintenance organizations (HMOs), competitive medical plans (CMPs), and health care prepayment plans (HCPPs). Specifically, the proposed rule would extend to HMO and CMP members the right to request review by a PRO of early hospital discharges; impose a 60-day limit for HMOs and CMPs to process requests by beneficiaries for reconsideration of decisions on denied services or claims; and require HCPPs to establish appeal procedures for enrollees who are Medicare beneficiaries. These changes are aimed at improving efficiency and at providing beneficiaries equitable appeal rights, regardless of their enrollment status.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/92	57 FR 46119
NPRM Comment	12/07/92	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jennifer Richmond, Program Analyst, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, 4360 Cohen Building, 330 Independence Ave. SW., Washington, DC 20201, 202 619-2755

**RIN:** 0938-AD79

**1150. NEW MINIMUM STANDARDS FOR MEDICARE SUPPLEMENTAL (MEDIGAP) POLICIES (BPD-491-P)**

**Legal Authority:** 42 USC 1302; 42 USC 1395hh; 42 USC 1395ss

**CFR Citation:** 42 CFR 403.200; 42 CFR 403.206; 42 CFR 403.210; 42 CFR 403.215 to 403.217; 42 CFR 403.220; 42 CFR 403.222; 42 CFR 403.232; 42 CFR 403.239; 42 CFR 403.250 to 403.258

**Legal Deadline:** None

**Abstract:** This rule would organize and codify in regulations the statutory changes to Medigap provisions made in 1987, 1988, 1989, and 1990. It will contain specific procedures for review of State regulatory plans (and individual policies) as required in the Omnibus Budget Reconciliation Act of 1990. These procedures are needed to permit Medigap insurance sales to continue uninterrupted as the program phases in during 1992 and 1993. The new standards were enacted by OBRA '87, and '90, the Medicare Catastrophic Coverage Act of 1988 and the Medicare Catastrophic Coverage Repeal Act of 1989.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:**

**TIMETABLE:** Under development.

**Agency Contact:** Thomas E. Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4607

**RIN:** 0938-AD82

**1151. SURVEY AND CERTIFICATION OF SKILLED NURSING FACILITIES AND NURSING FACILITIES AND ENFORCEMENT PROCEDURES (HSQ-156-P)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1395aa; 42 USC 1395i-3(g); 42 USC 1396r(g); 42 USC 1395hh; 42 USC 1302

**CFR Citation:** 42 CFR 488; 42 CFR 431; 42 CFR 442; 42 CFR 489



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**Legal Deadline:** Final, Statutory, January 1, 1988.

**Abstract:** This rule would implement sections 4202, 4203, 4212, and 4213 of the Omnibus Budget Reconciliation Act of 1987 (PL 100-203) which govern the process used by HCFA to survey long-term care facilities, and to certify that the facilities meet the participation requirements for the Medicare and Medicaid programs. The rule would also specify a number of sanctions or remedies that could be used when a skilled nursing facility or nursing facility is out of compliance with Federal requirements as an alternative to or in addition to termination.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/92	57 FR 39278
NPRM Comment Period End	10/27/92	57 FR 39278
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State, Federal

**Agency Contact:** Irene Gibson, Director, Division of Program Operations, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6768

**RIN:** 0938-AD94

### 1152. CLARIFICATION OF "WITHOUT FAULT" AS IT APPLIES TO PHYSICIAN PROVIDER AND SUPPLIER LIABILITY (BPD-719-P)

**Legal Authority:** 42 USC 1395gg; 42 USC 1302; 42 USC 1395hh

**CFR Citation:** 42 CFR 405.350; 42 CFR 405.355; 42 CFR 405.356; 42 CFR 405.360; 20 CFR 404.506 to 510

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Medicare regulations to clarify our interpretation of "without fault" as it applies to physician, provider, supplier and beneficiary liability for overpayments. This definition would result in greater uniformity of determinations by carriers and intermediaries. Additionally, this proposed rule would incorporate pertinent SSA regulations located at 20 CFR 404.506 - 404.510.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Paul Olenick, Director, Division of Medicare Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4472

**RIN:** 0938-AD95

### 1153. REQUIREMENTS FOR COVERAGE OF SEAT LIFTS (BPD-607-P)

**Legal Authority:** 42 USC 1302; 42 USC 1395k; 42 USC 1395l; 42 USC 1395n; 42 USC 1395x(h); 42 USC 1395x(s); 42 USC 1395x(cc); 42 USC 1395hh; 42 USC 1395rr

**CFR Citation:** 42 CFR 410.38

**Legal Deadline:** None

**Abstract:** This proposed rule addresses coverage requirements for stand-alone seat lifts and for seat lifts incorporated into combination lift chairs. Section 4152 of the Omnibus Budget Reconciliation Act of 1990 clarified, for purposes of Medicare coverage, the term "durable medical equipment" includes only the seat lift mechanism and does not include the chair.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Sam DellaVecchia, Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5395

**RIN:** 0938-AE05

### 1154. PROTECTION OF INCOME AND RESOURCES FOR COMMUNITY SPOUSE (MB-23-P)

**Legal Authority:** 42 USC 1302; 42 USC 1396r-5

**CFR Citation:** 42 CFR 435.630; 42 CFR 435.632; 42 CFR 435.634; 42 CFR 435.636; 42 CFR 435.638; 42 CFR 435.640; 42 CFR 435.642; 42 CFR 435.644; 42 CFR 435.646; 42 CFR 435.648

**Legal Deadline:** None

**Abstract:** These regulations would interpret section 303(a) of the Medicare Catastrophic Coverage Act of 1988, as amended by section 608(d)(16)(A) of the Family Support Act (PL 100-485), section 6411(e)(3) of OBRA '89, and section 4714 of OBRA '90. Section 303(a) allocates income and resources between a spouse who is institutionalized and the spouse remaining in the community. It also provides special post-eligibility rules for institutionalized individuals who have spouses in the community. The revision would allow the community spouse to apply more income to meet living expenses.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

**RIN:** 0938-AE12

### 1155. PHYSICIAN CERTIFICATION AND PLAN OF CARE REQUIREMENTS AND INSPECTION OF CARE REVIEWS (HSQ-178-P)

**Legal Authority:** 42 USC 1302; 42 USC 1396b(g); 42 USC 1396a(a)(30); 42 USC 1396a(a)(44)

**CFR Citation:** 42 CFR 400; 42 CFR 440; 42 CFR 441; 42 CFR 456; 42 CFR 483

**Legal Deadline:** None

**Abstract:** This proposed rule would make the requirements for physician certification and development of a plan of care general State plan requirements. States would no longer be required to make quarterly showings that they had determined compliance with those requirements or with utilization review. A quarterly demonstration to the Secretary of an effective program of



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medical review as demonstrated by a satisfactory utilization control program would be limited to Inspections of Care (IOCs) in participating Intermediate Care Facilities/Mentally Retarded (ICFs/MR) and psychiatric hospitals. This rule will establish review criteria specifically for ICFs/MRs that ensure essential client protections and focus on the provision of active treatment. This rule will also clarify utilization control requirements included in 42 CFR part 456, Subpart S.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Robert Emanuel, Utilization Control Branch, Division of Long Term Care Services, Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5927

RIN: 0938-AE17

**1156. HMO ORGANIZATIONAL STRUCTURE AND SERVICES (OCC-019-P)****Significance:** Regulatory Program**Legal Authority:** 42 USC 300e(a); 42 USC 300e(b)(1); 42 USC 300e(b)(3)(A)**CFR Citation:** 42 CFR 417.100; 42 CFR 417.101; 42 CFR 417.103; 42 CFR 417.104**Legal Deadline:** None

**Abstract:** This regulation would provide organizations which operate health maintenance organizations (HMOs) which are federally qualified under Title XIII of the Public Health Service Act with greater flexibility in operating other health benefit plans. It would also authorize, with certain limitations, qualified HMOs to offer out-of-plan physician services and require a reasonable deductible for those services. It would permit the HMO to use assets of the parent organization to meet fiscal soundness and insolvency protection requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Maureen Miller, Analyst, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Bldg., 330 Independence Avenue SW., Washington, DC 20201, 202 619-0129

RIN: 0938-AE25

**1157. MEDICAID PAYMENT OF MEDICARE COST SHARING FOR QUALIFIED MEDICARE BENEFICIARIES AND QUALIFIED DISABLED WORKERS (MB-031-P)**

**Legal Authority:** 42 USC 1396a(a)(10)(E); Clause VIII of the matter following 42 USC 1396a(a)(10)(F); 42 USC 1396a(e)(8); 42 USC 1396a(m)(4); 42 USC 1396a(n); 42 USC 1396b(f)(4); 42 USC 1396d(a); 42 USC 1396d(p); 42 USC 1302

**CFR Citation:** 42 CFR 431.625; 42 CFR 435; 42 CFR 436; 42 CFR 441.256; 42 CFR 447.600 to 447.620; 42 CFR 447.51; 42 CFR 447.53

**Legal Deadline:** None

**Abstract:** These rules would propose to require States to include in their State plans payment of Medicare cost-sharing for low income Medicare beneficiaries, Qualified Medicare Beneficiaries (QMB) and Qualified Disabled and Working Individuals (QDWI). The territories have the option to do the same. We would define cost-sharing, specify criteria for determining QMB status, propose requirements and options for payment amounts and limitations, and provide for Federal financial participation in State payments for Medicare cost-sharing on behalf of QMBs. For QDWIs Federal financial participation would be limited to Medicare, Part A premium. The changes would implement provisions of the Medicare Catastrophic Coverage Act of 1988 as modified by the Family Support Act of 1988, the Technical and Miscellaneous Revenue Act of 1988, the Omnibus Budget Reconciliation Act of 1989, and the Omnibus Budget Reconciliation Act of 1990. These provisions went into effect January 1, 1989.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Local, State

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4451

RIN: 0938-AE38

**1158. HOSPITAL STANDARD FOR HIV INFECTIOUS BLOOD (BPD-633-P)**

**Legal Authority:** 42 USC 1302; 42 USC 1395hh; 42 USC 1395x(e)(9)

**CFR Citation:** 42 CFR 482**Legal Deadline:** None

**Abstract:** This proposed rule would require hospitals or blood banks providing services to hospitals to notify either each recipient or each recipient's physician when potentially HIV infectious blood has been administered, and to offer each recipient counseling and testing. This rule implements a recommendation of the President's Commission on AIDS.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd, Baltimore, MD 21207, 410 966-4607

RIN: 0938-AE40

**1159. EXTENDED MEDICAID ELIGIBILITY FOR CERTAIN INDIVIDUALS (MB-026-P)****Significance:** Agency Priority

**Legal Authority:** 42 USC 1302; 42 USC 1396r-6; 42 USC 1396r(b)

**CFR Citation:** 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

**Legal Deadline:** None

**Abstract:** This regulation would revise current regulations to reflect that participants in work supplement programs are deemed to be AFDC recipients under the State plan and make Medicaid eligibility mandatory for



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those individuals; to provide extended Medicaid benefits to certain families when they become ineligible for AFDC solely because of increased earnings from, or hours of, employment; and to revise certain conditions of eligibility that minor parents and pregnant minors must meet before receiving Medicaid benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

**RIN:** 0938-AE51

#### 1160. RESIDENT ASSESSMENT IN LONG TERM CARE FACILITIES (HSQ-180-P)

**Legal Authority:** 42 USC 1395i-3; 42 USC 1396r; 42 USC 1302; 42 USC 1395hh

**CFR Citation:** 42 CFR 483

**Legal Deadline:** Final, Statutory, January 1, 1989.

**Abstract:** Sections 1819(b)(3) and 1919(b)(3) of the Social Security Act, as amended by PL 100-203, require that in order for an institution to qualify to participate as a skilled nursing facility in the Medicare program, and, before October 1, 1990, as a skilled nursing facility or as an intermediate care facility in the Medicaid program, and effective October 1, 1990, as a nursing facility in the Medicaid program, it must conduct a comprehensive, standardized assessment of each resident's capability to perform daily life functions. The assessment must also describe significant impairments in the resident's functional capacity and be based on a uniform minimum data set specified by the Secretary. Sections 1819(f)(6)(A) and 1919 (f)(6)(A) of the Act require the Secretary to specify a minimum data set of core elements and common definitions for use by nursing facilities in conducting the assessments. This proposed rule would specify this minimum data set and establish guidelines for using it.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Agency Contact:** Sue Nonemaker, Program Analyst, Division of Long Term Care, Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6825

**RIN:** 0938-AE61

#### 1161. POST CONTRACT BENEFICIARY PROTECTIONS AND OTHER PROVISIONS (OCC-011-P)

**Legal Authority:** 42 USC 1302; 42 USC 1395hh; 42 USC 1395mm

**CFR Citation:** 42 CFR 417

**Legal Deadline:** None

**Abstract:** This rule would provide certain coverage for pre-existing conditions under supplemental insurance after non-renewal or termination of a Medicare HMO or CMP contract; provide a 30-day open enrollment period for individuals who would otherwise lose prepaid Medicare coverage as a result of termination, non-renewal or reduction in service area of a contract; extend the deadline for risk contracting HMOs and CMPs to submit adjusted community rate (ACR) proposals; require all HMOs and CMPs to furnish a copy of an executed enrollment application form to Medicare applicants, and require HCPPs to meet same application procedures as HMOs and CMPs.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Valerie Melino, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, 4360 Cohen Building, 330 Independence Ave. SW., Washington, DC 20201, 202 619-3279

**RIN:** 0938-AE63

#### 1162. EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT (EPSDT) SERVICES (MB-28-P)

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1396a(a)(43); 42 USC 1396d(r); 42 USC 1302

**CFR Citation:** 42 CFR 441.50; 42 CFR 440.40

**Legal Deadline:** None

**Abstract:** Section 6403 of the Omnibus Budget Reconciliation Act of 1989 defines in new section 1905(r) of the Social Security Act the following EPSDT services: screening services, vision services, dental services and hearing services. It also extends EPSDT services to include such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) of the Act to correct or ameliorate defects and illnesses and conditions discovered by the screening services whether or not the services are covered under the State plan. Section 6403 also amended section 1902(a)(43) of the Act to require States to report to the Secretary certain information about EPSDT services provided under the plan during each fiscal year. This proposed rule would set forth requirements to implement these statutory provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Agency Contact:** Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5659

**RIN:** 0938-AE72

#### 1163. PAYMENT FOR NURSING AND ALLIED HEALTH SCIENCE EDUCATION (BPD-685-P)

**Legal Authority:** PL 101-239, Sec 6205; PL 101-508, Sec 4004; PL 101-508, Sec 4159

**CFR Citation:** 42 CFR 413

**Legal Deadline:** NPRM, Statutory, July 1, 1990.



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Section 6205(b)(2) of PL 101-239 required that a proposed rule be published before July 1, 1990 and that a final rule not be effective before 10/01/90.

**Abstract:** This proposed rule would set forth our policy for the payment of the costs of approved nursing and allied health science programs, an action directed by section 6205(b)(2) of PL 101-239. For the most part, the provisions set forth in this proposed rule restate or clarify our current policies governing these costs, which have been previously set forth in the provider reimbursement manual and other documents, but have never been included in the regulations. In addition, we are proposing to amend the list of approved programs and clarify payment rules for certified registered nurse anesthetist programs. This proposed rule would also implement section 4004 of PL 101-508, which provides that, effective with cost reporting periods beginning on or after October 1, 1990, under certain conditions, costs incurred by a hospital or educational institution related to the hospital for clinical training are treated as pass-through costs and paid on the basis of reasonable cost even though the hospital does not operate the education programs.

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/92	57 FR 43659
NPRM Comment Period End	11/23/92	57 FR 43659
Final Action	11/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Barbara Wynn, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, Maryland 21207, 410 966-4529

**RIN:** 0938-AE79

### 1164. COST REPORT SETTLEMENT ADJUSTMENT FACTOR FOR SKILLED NURSING FACILITIES AND HOME HEALTH AGENCIES (BPD-702-P)

**Legal Authority:** PL 101-239; Sec 6024; 42 USC 1302

**CFR Citation:** 42 CFR 413.3(b)(2)

**Legal Deadline:** None

**Abstract:** Section 6024 of PL 101-239 required the Secretary to update the skilled nursing facility (SNF) cost limits effective for cost reporting periods beginning on or after October 1, 1989 in accordance with regulations that require the use of cost reports submitted by SNFs for cost reporting periods beginning not earlier than October 1, 1985. Many of the cost reports that HCFA uses to update limits on SNFs' costs are "as submitted" and therefore not "settled." Since using only "settled" cost reports is not always feasible, due to the lengthy time needed to receive and audit cost report data, HCFA is proposing that the adjustment factor be applied uniformly to all "as submitted" cost reports, contained on the SNF data base and the home health agency data used to establish future cost limits to adjust for the overstatement of costs that occurs in those reports. This rule sets forth the proposed adjustment factors and the methodology used to complete the factors.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5, ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4513

**RIN:** 0938-AE87

### 1165. COVERAGE OF SCREENING PAP SMEARS (BPD-705-P)

**Legal Authority:** 42 USC 1395x(s)(14); 42 USC 1395x(nn); 42 USC 1302

**CFR Citation:** 42 CFR 410.10; 42 CFR 411.15; 42 CFR 410.56

**Legal Deadline:** None

**Abstract:** This proposal would establish regulations under section 6115 of the Omnibus Budget Reconciliation Act of 1989 to govern Medicare Part B coverage of screening pap smears and related medically necessary services (including a physician's interpretation of the test results) provided to a woman for the early detection of cervical cancer.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** William Larson, Program Analyst, Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4639

**RIN:** 0938-AE98

### 1166. MEDICARE COVERAGE AND PAYMENT OF CLINICAL PSYCHOLOGIST, OTHER PSYCHOLOGIST, AND CLINICAL SOCIAL WORKER SERVICES - MEDICARE (BPD-706-P)

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395x(s)(1); 42 USC 1395x(hh)(2); 42 USC 1395x(ii); 42 USC 1302

**CFR Citation:** 42 CFR 410; 42 CFR 417; 42 CFR 424

**Legal Deadline:** None

**Abstract:** This rule would incorporate provisions of section 6113 of the Omnibus Budget Reconciliation Act of 1989 (OBRA '89) and section 4157 of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90). Section 6113 of OBRA '89 provides coverage for the services of clinical psychologists (CPs) and clinical social workers. It requires CPs to agree to consult with the patient's primary care or attending physician. Also, it eliminates the dollar limitation that previously applied to mental health services although the 62.5 percent limitation still applies. OBRA '89 also defines the term "clinical social worker services" and places two exceptions on where such services can be covered. These exceptions include services provided to inpatients of hospitals and skilled nursing facilities that are Medicare participating. Section 4157 of OBRA '90 unbundled CP services from the definition of "inpatient hospital services."

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None



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**Government Levels Affected:** None**Additional Information:**

**TIMETABLE:** Under revision to include physician payment reform provisions.

**Agency Contact:** Regina Walker, Program Analyst, Office of Coverage & Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-6735

**RIN:** 0938-AE99

**1167. COVERAGE OF PHYSICIAN ASSISTANT, NURSE PRACTITIONER, AND CLINICAL NURSE SPECIALIST SERVICES (BPD-708-P)**

**Legal Authority:** 42 USC 1395x(s)(2); 42 USC 1395u(b); 42 USC 1395x(aa); 42 USC 1302

**CFR Citation:** 42 CFR 405; 42 CFR 410

**Legal Deadline:** None

**Abstract:** This proposed rule would conform Medicare regulations to the provisions in sections 9338 of the Omnibus Budget Reconciliation Act of 1986, 4076(a) of the Omnibus Budget Reconciliation Act of 1987, 6114 of the Omnibus Budget Reconciliation Act of 1989, and 4155 of the Omnibus Budget Reconciliation Act of 1990. These sections amended portions of the Social Security Act (the Act) concerning the coverage of and payment for certain services described in section 1861(s)(2)(K) of the Act that are performed by physician assistants, nurse practitioners, and clinical nurse specialists.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** William Larson, Program Analyst, Office of Coverage & Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4639

**RIN:** 0938-AF00

**1168. UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATIONS (PROS): CONFIDENTIAL INFORMATION (HSQ-190-P)**

**Legal Authority:** 42 USC 1320c-9; 42 USC 1302

**CFR Citation:** 42 CFR 476

**Legal Deadline:** None

**Abstract:** This proposed rule would revise existing regulations to clarify which PRO information is considered confidential, to whom confidential information may be disclosed, and the conditions for disclosure.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Harvey Brook, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME Bldg., 6325 Security Blvd., Baltimore, MD 21207, 410 966-6853

**RIN:** 0938-AF03

**1169. CASE MANAGEMENT (MB-27-P)**

**Legal Authority:** 42 USC 1396d; 42 USC 1396n; 42 USC 1302

**CFR Citation:** 42 CFR 431.51(c); 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441.10; 42 CFR 441.18; 42 CFR 447.327; 42 CFR 431.54

**Legal Deadline:** None

**Abstract:** This rule would place in our regulations provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, the Omnibus Budget Reconciliation Act of 1986, the Tax Reform Act of 1986, the Technical Miscellaneous Revenue Act of 1988, and the Omnibus Budget Reconciliation Act of 1987 dealing with case management services. These regulations would provide for optimal Medicaid coverage of case management services furnished to specific groups in specific geographic areas or political subdivisions within a State.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:**

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-5659

**RIN:** 0938-AF07

**1170. DAY HABILITATION AND RELATED SERVICES (MB-37-P)**

**Legal Authority:** PL 101-239, Sec 6411(g)

**CFR Citation:** 42 CFR 440

**Legal Deadline:** None

**Abstract:** Section 6411(g) of the Omnibus Budget Reconciliation Act of 1989 prohibits disallowance on day habilitation services included in State plans which were approved on or before June 30, 1989. This prohibition will continue until clarifying regulations are promulgated. This proposed rule would specify the types of day habilitation and related services that a State may cover under paragraph (9) or (13) of section 1905(a) of the Social Security Act on behalf of persons with mental retardation or with related conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:**

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325



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Security Blvd., Baltimore, MD 21207, 410 966-5659

RIN: 0938-AF10

### 1171. MEDICAID FOR TWO-PARENT FAMILIES (MB-42-P)

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1396a; 42 USC 1396d; 42 USC 1302

**CFR Citation:** 42 CFR 435; 42 CFR 436

**Legal Deadline:** None

**Abstract:** Section 401 of the Family Support Act of 1988 requires States to provide medical assistance to needy families in which the principal earner is unemployed, beginning October 1, 1990 (October 1, 1992, in certain territories). This proposed rule would update eligibility regulations to address requirements for these additional individuals.

**Timetable:**

Action	Date	FR Cite
NPRM	08/17/92	57 FR 36968
NPRM Comment Period End	10/16/92	57 FR 36968
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4451

RIN: 0938-AF13

### 1172. OBRA '90 AND MISCELLANEOUS MANAGED CARE TECHNICAL AMENDMENTS (MB-044-P)

**Legal Authority:** 42 USC 1396b(m); 42 USC 1396a(e)(2)(A); 42 USC 1302

**CFR Citation:** 42 CFR 434.21 to 44; 42 CFR 447.361; 42 CFR 447.362

**Legal Deadline:** None

**Abstract:** This rule would require certain Health Insuring Organizations to be subject to the regulations governing Prepaid Health Plans. This proposed rule would also allow State-only funds to be paid to Medicaid contracting entities. These funds would not be considered when computing the rate at which Federal Financial Participation is

made. This rule will also incorporate several technical amendments from section 4732 of OBRA '90.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Local, State

**Additional Information:**

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** Mary Dewane, Director, Medicaid Managed Care Office, Department of Health and Human Services, Health Care Financing Administration, Room 233, ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-9507

RIN: 0938-AF15

### 1173. CRITERIA FOR THE DETERMINATION OF REASONABLE COSTS FOR MEDICARE - CONTRACTING PREPAID HEALTH PLANS (OCC-018-P)

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395mm(h); 42 USC 1395x(v)(1)(A); 42 USC 1302

**CFR Citation:** 42 CFR 417.532(a)(3); 42 CFR 417.802; 42 CFR 417.800(c)

**Legal Deadline:** None

**Abstract:** This rule would remove the absolute payment limit that is to be applied to Prepaid Health Organizations' cost contracts under section 1876 of the Social Security Act. This proposed regulation would also set forth the revised criteria that HCFA will use in determining claimed costs that are reasonable and therefore reimbursable for prepaid health organizations with cost contracts under section 1876 and agreements under section 1833.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jennifer Messersmith, Program Analyst, Office of Coordinated Care Policy and Planning, Department

of Health and Human Services, Health Care Financing Administration, 4360 Cohen Bldg., 330 Independence Ave. SW., Washington, DC 20201, 202 401-2325

RIN: 0938-AF16

### 1174. PROVIDER REIMBURSEMENT DETERMINATIONS AND APPEALS REVISIONS (BPD-727-P)

**Legal Authority:** 42 USC 1395oo; 42 USC 1302

**CFR Citation:** 42 CFR 405

**Legal Deadline:** None

**Abstract:** This regulation would update and clarify regulations governing the Provider Reimbursement Review Board and would deal with such issues as the prospective payment system, jurisdiction of the Board, time periods for filing appeals, and define more specifically "good cause" for late filings.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:**

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** Paul Olenick, Director, Division of Medicare & Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4472

RIN: 0938-AF28

### 1175. ALTERNATIVE SANCTIONS FOR PSYCHIATRIC HOSPITALS (HSQ-191-P)

**Legal Authority:** 42 USC 1395cc; 42 USC 1396a; 42 USC 1302

**CFR Citation:** 42 CFR 488

**Legal Deadline:** None

**Abstract:** These proposed regulations provide an alternative to terminating a psychiatric hospital's participation in the Medicare and Medicaid programs for facilities found to be out of compliance with participation requirements. These alternative sanctions could be imposed instead of terminating a psychiatric hospital's



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participation in the Medicare and Medicaid programs where deficiencies do not present immediate jeopardy to the health and safety of psychiatric hospital patients.

These amendments are necessary to conform HCFA regulations to changes made by section 6020 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239) and section 4755 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508).

The purpose of the legislation is to encourage correction of deficiencies that do not jeopardize patient health and safety before termination becomes necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State, Federal

**Agency Contact:** Irene Gibson, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6768

**RIN:** 0938-AF32

### 1176. MEDICARE, MEDICAID AND CLIA PROGRAMS: INSPECTION AND CERTIFICATION PROCEDURES FOR LABORATORIES (HSQ-193-P)

**Legal Authority:** 42 USC 1395w-2; 42 USC 263a; 42 USC 1302

**CFR Citation:** 42 CFR 493

**Legal Deadline:** None

**Abstract:** This proposed rule will implement procedures for States to follow in inspecting and certifying laboratories under the Clinical Laboratory Improvement Amendments of 1988, Pub. L. 100-578. This rule is needed to carry out the authority of the Department of Health and Human Services to inspect laboratories, as mandated by section 353(g) of the Public Health Service Act, and to take enforcement actions as authorized by section 353(h) and (i) of the Public Health Services Act and section 1846 of the Social Security Act.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** State, Federal

**Agency Contact:** Irene Gibson, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6768

**RIN:** 0938-AF33

### 1177. CONTINUATION OF FFP FOLLOWING LOOK BEHIND TERMINATIONS (HSQ-194-P)

**Legal Authority:** 42 USC 1302; 42 USC 1396b

**CFR Citation:** 42 CFR 441.11; 42 CFR 442.40

**Legal Deadline:** None

**Abstract:** This proposal would establish in our rules the conditions under which we make matching payments to States (FFP) following Federal termination of an intermediate care facility for the mentally retarded under HCFA's "look behind" authority and a nursing facility under HCFA's validation authority. Without these rules, it is possible that incorrect payments may be claimed by States.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State, Federal

**Agency Contact:** Irene Gibson, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6768

**RIN:** 0938-AF34

### 1178. PREADMISSION REVIEW AND AUTHORIZATION, OUTPATIENT SURGERY, PREADMISSION DIAGNOSTIC TESTING AND SAME DAY SURGERY UNDER MEDICAID (MB-021P)

**Legal Authority:** 42 USC 1302; 42 USC 1396(a)(30)(A)

**CFR Citation:** 42 CFR 431

**Legal Deadline:** None

**Abstract:** This rule would amend current Medicaid rules to require that State Medicaid plans include programs requiring preadmission review and approval for selected surgical procedures and medical treatment; identify surgical procedures that can be safely performed on an ambulatory basis; require diagnostic testing prior to admission; and schedule hospital admission on the same day as surgery.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:**

**TIMETABLE:** Pending issuance of OIG report.

**Agency Contact:** Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5659

**RIN:** 0938-AF35

### 1179. UNIFORM PAYMENT MECHANISM FOR PAYING HOSPITALS UNDER PART A OF MEDICARE (BPO-104-PN)

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395g

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This notice would announce our intention to require all hospitals participating in Part A of Medicare to bill electronically and to receive payment and remittance notices electronically. We expect such procedures to result in more economical and efficient program operation and administration.



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**Timetable:**

Action	Date	FR Cite
Proposed Notice	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None

**Agency Contact:** Patricia Talley, Chief, Budget Formulation Branch, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 1-B-4, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7493

RIN: 0938-AF60

**1180. MEDICAID QUALIFYING TRUSTS (MB-011-P)****Legal Authority:** 42 USC 1302; 42 USC 1396a(k)**CFR Citation:** 42 CFR 435; 42 CFR 436**Legal Deadline:** None

**Abstract:** This rule would implement section 1902(k) of the Social Security Act by defining Medicaid Qualifying Trust (MQT); establishing rules for counting as available income or resources the maximum amount that could be paid to or on behalf of a Medicaid applicant or recipient from the body of the MQT, from income to the trust, or from both; and permitting States to waive the application of the rule in situations in which its application would result in undue hardships.

The purpose of the rule is to prevent individuals who have sufficient income and resources to pay for medical care to shelter that income and resources through MQTs so that they can then become eligible for Medicaid.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None

**Additional Information:** TIMETABLE: Pending resolution of complex policy issues.

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323, EHR, 6325

Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

RIN: 0938-AF61

**1181. MEDICAID PAYMENT FOR OBSTETRICAL AND PEDIATRIC SERVICES—ADEQUATE PAYMENT LEVEL PROVISION (MB-036-P)****Legal Authority:** 42 USC 1302; 42 USC 1396a(a)(30)(A); 42 USC 1396a(s); 42 USC 1396r-7**CFR Citation:** 42 CFR 430.12; 42 CFR 430.16; 42 CFR 447.204; 42 CFR 447.300; 42 CFR 447.301; 42 CFR 447.393; 42 CFR 44397**Legal Deadline:** None

**Abstract:** This rule would implement section 1902(a)(30)(A) of the Social Security Act, which requires that Medicaid payment rates be established at a level to ensure access to services for Medicaid recipients is at least equal to the access available to the general population in the geographic area. It would also implement section 1926 of the Social Security Act by establishing State plan requirements concerning obstetrical and pediatric services.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** State

**Agency Contact:** Bernard Truffer, Director, Division of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 291 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 968-0691

RIN: 0938-AF62

**1182. REQUIREMENTS FOR ENROLLMENT OF MEDICAID RECIPIENTS UNDER COST EFFECTIVE EMPLOYER BASED GROUP HEALTH PLANS (MB-047-P)****Significance:** Agency Priority**Legal Authority:** 42 USC 1396a(a)(10); 42 USC 1396a(u)(1); 42 USC 1396d(a); 42 USC 1396a(a)(25); 42 USC 1396a(e); 42 USC 1396e; 42 USC 1302**CFR Citation:** 42 CFR 435.2; 42 CFR 435.3; 42 CFR 435.10; 42 CFR 435.186; 42 CFR 435.188**Legal Deadline:** None

**Abstract:** This rule would amend our regulations to provide for continuation of payment of health insurance premiums for individuals who are entitled to elect COBRA continuation coverage under a group health plan provided by an employer with 75 or more employees; require Medicaid recipients to apply for enrollment in employer-based cost effective group health plans as a condition of Medicaid eligibility; require State agencies to pay for premiums, deductibles, coinsurances and other cost sharing obligations under these group health plans; and define "COBRA continuation coverage" and "COBRA beneficiaries." (COBRA refers to the Consolidated Omnibus Budget Reconciliation Act of 1985 - Pub. L. 99-272.)

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** State, Federal

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

RIN: 0938-AF64

**1183. REFERRAL TO CHILD SUPPORT ENFORCEMENT AGENCIES OF MEDICAID FAMILIES WITH AN ABSENT PARENT (MB-051-P)****Legal Authority:** 42 USC 1396k; 42 USC 1302**CFR Citation:** 42 CFR 433.160**Legal Deadline:** None

**Abstract:** This rule would require State Medicaid agencies to refer Medicaid families with an absent parent to child support enforcement (CSE) agencies. Section 9142 of the Omnibus Budget Reconciliation Act of 1987 required CSE agencies to provide all CSE services to such Medicaid families who have assigned to the State their rights to medical support. State Medicaid agencies were encouraged to refer Medicaid recipients with absent parents to CSE agencies. However, consistency in referrals among States has not been good. The purpose of these rules is to



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require States to make this referral to State CSE agencies to ensure that those recipients requiring CSE services receive them.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4451

RIN: 0938-AF68

**1184. OPTIONAL SPENDDOWN (MB-055-P)**

**Legal Authority:** 42 USC 1396b(f)(2); 42 USC 1396a(a)(17); 42 USC 1302

**CFR Citation:** 42 CFR 435; 42 CFR 436

**Legal Deadline:** None

**Abstract:** This rule would allow States to choose to implement at their option a variation of the spenddown for medically needy individuals. Under the regular spenddown program a medically needy individual becomes eligible for Medicaid by spending down income in excess of the medically needy income standard until the standard is reached. Under the optional program, an applicant would pay the anticipated amount of regularly incurred expenses to the State instead of becoming eligible only after incurring expenses. This option was provided by section 4723 of the Omnibus Budget Reconciliation Act of 1990.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:**

TIMETABLE: Pending resolution of complex policy issues.

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323

EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

RIN: 0938-AF72

**1185. CLARIFICATION OF COVERAGE OF INPATIENT PSYCHIATRIC SERVICES (MB-060-P)**

**Legal Authority:** 42 USC 1396d(h)(l)(A); 42 USC 1302

**CFR Citation:** 42 CFR 440; 42 CFR 441

**Legal Deadline:** None

**Abstract:** This rule would establish settings in which inpatient psychiatric services may be covered under State Medicaid plans. It would implement section 4755(a)(1) of the Omnibus Budget Reconciliation Act of 1990.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State

**Agency Contact:** Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5659

RIN: 0938-AF73

**1186. MEDICARE AND MEDICAID PROGRAMS: REQUIREMENTS FOR PHYSICIAN INCENTIVE PLANS IN PREPAID HEALTH CARE ORGANIZATIONS (OCC-024-P)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395mm; 42 USC 1396b; 42 USC 1302

**CFR Citation:** 42 CFR 417.01; 42 CFR 417.409; 42 CFR 417.495; 42 CFR 434.67; 42 CFR 1003.100; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.103

**Legal Deadline:** None

**Abstract:** This rule would amend the regulations governing federally qualified health maintenance organizations (HMOs) and competitive medical plans (CMPs) contracting with the Medicare program, and certain HMOs and health insuring organizations (HIOs) contracting with States under the Medicaid program, by implementing changes made by sections 4204(a) and 4731(a) of the Omnibus Budget Reconciliation Act of 1990

concerning physician incentive plans. The changes are intended to allow HMOs, CMPs, and HIOs the flexibility to provide reasonable financial incentives to their physicians and physician groups in order to eliminate unnecessary care and protect enrollees from reduced quality of care or access to care.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jennifer Richmond, Program Analyst, Office of Coordinated Care, Department of Health and Human Services, Health Care Financing Administration, Room 4424 Cohen Building, 330 Independence Avenue SW., Washington, DC 20201, 202 619-2755

RIN: 0938-AF74

**1187. NATIONAL COVERAGE DECISIONS: RULES FOR RISK CONTRACTING HMOS AND CMPS (BPD-732-P)**

**Legal Authority:** 42 USC 1302; 42 USC 1395hh; 42 USC 1395mm(c)(2)

**CFR Citation:** 42 CFR 417

**Legal Deadline:** None

**Abstract:** Under this rule, Health Maintenance Organizations (HMOs) and Competitive Medical Plans (CMPs) that have entered into risk contracts with HCFA would no longer be required to absorb the expense of furnishing to its Medicare enrollees any new or additional Medicare benefit that is the subject of a national coverage decision, which the Secretary projects will result in a significant change in the organization's costs, if the cost of the benefit is not reflected in the monthly per capita payments paid by Medicare.

This rule implements section 4204(c) of the Omnibus Budget Reconciliation Act of 1990.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined



HHS—HCFA

Proposed Rule Stage

**Agency Contact:** Joanne Sinsheimer, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 968-4620

**RIN:** 0938-AF76

**1188. ● REVISIONS TO CRITERIA AND STANDARDS FOR EVALUATING INTERMEDIARIES AND CARRIERS (BPO-083-P)**

**Legal Authority:** 42 USC 1395h; 42 USC 1395u; PL 98-369, Sec 2326(c)

**CFR Citation:** 42 CFR 421

**Legal Deadline:** None

**Abstract:** This rule would revise the regulations that govern the establishment of criteria and standards used to evaluate the performance of "fiscal intermediaries" (FIs) and "carriers" in the administration of the Medicare program. ("Intermediaries" and "carriers" are the contractors that process Medicare claims and bills under Part A (Hospital Insurance) and Part B (Supplementary Medical Insurance) of the Medicare program, respectively.) Under the Medicare program the performance of intermediaries and carriers is measured by using a Contractor Performance and Evaluation Program (CPEP) that evaluates activities against established performance criteria and standards. The criteria and standards vary from year to year to reflect shifting program emphases and statutory changes. The revisions will update and remove outdated material from the regulations, which will improve administration of the program.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Larry Pratt, Chief, Operational Standards Branch, Department of Health and Human Services, Health Care Financing Administration, Room 320 ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 968-7403

**RIN:** 0938-AF84

**1189. ● PART B ADVANCE PAYMENTS TO PHYSICIANS/SUPPLIERS OR ENTITIES PROVIDING SERVICES UNDER MEDICARE PART B (BPO-105-P)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395u(c)

**CFR Citation:** 42 CFR 405.501; 42 CFR 405.510

**Legal Deadline:** None

**Abstract:** This rule would amend Medicare regulations to provide advance payment to physicians, suppliers, or entities that provide service under Medicare Part B. These payments would be made only when a claims processing is so delayed that interested payments alone are insufficient to adequately compensate the provider, in light of cash flow needs. This change is intended to result in more efficient and economical administration of the Medicare program.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Jim O'Shea, Program Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 1-E-6, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7521

**RIN:** 0938-AF85

**1190. ● COMPUTER MATCHING AND PRIVACY PROTECTION FOR MEDICAID ELIGIBILITY (MB-057-P)**

**Legal Authority:** 5 USC 552a note; 42 USC 1302

**CFR Citation:** 42 CFR 435.945; 42 CFR 435.952; 42 CFR 435.955

**Legal Deadline:** None

**Abstract:** This rule would require State Medicaid agencies to meet the requirements of the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503) as amended by the Computer Matching and Privacy Protection Act Amendments of 1989 (Pub.L.101-56). The purpose of these laws is to improve the oversight and

procedures governing the disclosure of personal information used in computer matching programs and to protect the privacy and due process rights of individuals whose records are exchanged. Under these laws, State Medicaid agencies would have to verify all information received from Federal agencies through the income and eligibility verification system unless the requirements were waived by the data integrity board of the Federal Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Helaine Jeffers, Chief, Medicaid Operations Branch, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 968-5920

**RIN:** 0938-AF91

**1191. ● MINIMUM PHYSICIAN QUALIFICATIONS FOR CERTAIN SERVICES (MB-059-P)**

**Legal Authority:** 42 USC 1396b(i)

**CFR Citation:** 42 CFR 441

**Legal Deadline:** None

**Abstract:** This rule would establish qualifications that physicians must meet as a condition for payment under Medicaid for services furnished to children under 21 and to pregnant women (and women during the 60 days following termination of pregnancy). Section 4752(e) of Pub. L. 101-508 establishes these requirements for services furnished on or after January 1, 1992. The regulation and legislation are intended to assure that high quality services are furnished to women and children.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6325



HHS—HCFA

Proposed Rule Stage

Security Boulevard, Baltimore,  
Maryland 21207, 410 966-4451  
RIN: 0938-AF92

**1192. ● DEFINITION OF A MEDICAID EXPENDITURE (MB-061-P)**

**Significance:** Agency Priority  
**Legal Authority:** 42 USC 1302  
**CFR Citation:** 42 CFR 430  
**Legal Deadline:** None

**Abstract:** This rule would establish a definition of Medicaid expenditures for purposes of providing Federal matching funds (FFP) for State medical assistance claims. The rule would address the required documentation that States must submit to HCFA to qualify for FFP in State Medicaid expenditures and States' use of the estimation technique in submitting Medicaid expenditure claims.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

**Agency Contact:** Larry Cutler, Chief, Fiscal Policy Branch, Division of Financial Management, Department of Health and Human Services, Health Care Financing Administration, Room 281, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-3257  
RIN: 0938-AF93

**1193. ● REVISIONS TO RULES ON HEALTH CARE PREPAYMENT PLANS - USER FEES (OCC-032-P)**

**Legal Authority:** 42 USC 1302; 42 USC 1395hh; 42 USC 1395l; 31 USC 9701  
**CFR Citation:** 42 CFR 417  
**Legal Deadline:** None

**Abstract:** This regulation would impose a one-time user fee on those organizations seeking to qualify as health care prepayment plans. It would also require health care prepayment plans to specify the geographic service area in which it provides services and to ensure that medical services are available throughout that area. Finally, it would require the health care prepayment plan to inform Medicare beneficiaries of which Part B services it provides.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jean LeMasurier, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, 4347 Cohen Building, 330 Independence Avenue SW., Washington, DC 20201, 202 205-0553

RIN: 0938-AF97

**1194. ● RETROACTIVE ENROLLMENT (OCC-031-P)**

**Legal Authority:** 42 USC 1395mm; 42 USC 1395hh; 42 USC 1302  
**CFR Citation:** 42 CFR 417

**Legal Deadline:** None

**Abstract:** This regulation would allow retroactive enrollment of up to 90 days for individuals enrolling with an eligible organization (which has a risk-sharing contract under section 1876 of the Social Security Act) under a health benefit plan operated, sponsored, or contributed to, by the individual's employer or former employer (or the employer or former employer of the individual's spouse). The regulation would implement section 4204(e) of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Valerie Melino, Div. of Coordinated Care Policy & Evaluation, Office of Coordinated Care Policy & Planning, Department of Health and Human Services, Health Care Financing Administration, 4416 Cohen Building, 330 Independence Avenue SW., Washington, DC 20201, 202 819-3279

RIN: 0938-AF98

**1195. ● MEDICARE PROGRAM: COVERAGE OF CERTIFIED NURSE-MIDWIFE SERVICES (BPD-496-P)**

**Legal Authority:** 42 USC 1302; 42 USC 1395l; 42 USC 1395x(s); 42 USC 1395x(gg)

**CFR Citation:** 42 CFR 405; 42 CFR 410; 42 CFR 491

**Legal Deadline:** None

**Abstract:** This proposed rule specifies that Medicare Part B Coverage would include the services of a certified nurse-midwife furnished independent of the supervision of a physician (if that practice is allowed under the State law of the State in which the service is furnished). Section 4073 of the Omnibus Budget Reconciliation Act of 1987, as amended by Section 411(h)(4) of the Medicare Catastrophic Coverage Act of 1988 established separate Medicare Part B Coverage of Certified Nurse-Midwife Services furnished after June 30, 1988.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** David Higbee, Chief, Medical Services Brnch, Bureau of Policy Development, Department of Health and Human Services, Health Care Financing Administration, Rm. 437, EHR, 6325 Security Boulevard, Baltimore, MD 21207-5187, 410 966-4636

RIN: 0938-AG02

**1196. ● CHANGE IN PROVIDER AGREEMENT REGULATIONS RELATED TO FEDERAL EMPLOYEE HEALTH BENEFITS (BPD-748-P)**

**Legal Authority:** PL 101-508, sec 7002

**CFR Citation:** 42 CFR 489

**Legal Deadline:** None

**Abstract:** Existing Medicare conditions of participation and provider agreements do not require that hospitals accept the Medicare Prospective Payment System (PPS) rate as payment in full when issued by a Federal Employee Health Benefit (FEHB) plan for an enrollee not entitled to Medicare Part A. As required by Section 7002(f) of Pub. L. 101-508, this regulation would require that FEHB plans limit their inpatient payment for retired FEHB enrollees who are age 65



## HHS—HCFA

## Proposed Rule Stage

and older, but who are not entitled to receive hospital insurance benefits under Medicare, to rates that would have been paid by Medicare under PPS. It also requires the Secretary to consider termination of the Medicare provider agreement when a hospital knowingly and willfully attempts to collect, on a repeated basis, from the patient the difference between the Medicare payment rates and the hospital's charge, less any deductible or coinsurance obligation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Tom Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 401 EHR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4607

**RIN:** 0938-AG03

**1197. ● PAYMENT FOR EXTRACORPOREAL SHOCK WAVE LITHOTRIPSY SERVICES FURNISHED BY AMBULATORY SURGICAL CENTERS (BPD-762-PN)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395k; 42 USC 1395l

**CFR Citation:** 42 CFR 416.120; 42 CFR 416.125; 42 CFR 416.130

**Legal Deadline:** None

**Abstract:** This proposed notice complies with the court order by the U.S. District Court for the District of Columbia on March 12, 1992, in *The American Lithotripsy Society v. Louis W. Sullivan, M.D.* The court order stays implementation of the Medicare payment rate announced on December 31, 1991 (58 FR 67886) for Extracorporeal Shock Wave Lithotripsy Services furnished in Medicare Participating Ambulatory Surgical Centers and use of the payment rate in determining the Medicare allowance in hospital out-patient departments until the Secretary publishes certain information relevant to the setting of the Extracorporeal Shock Wave Lithotripsy Rate, receives comments, and publishes a final notice.

**Timetable:**

Action	Date	FR Cite
Proposed Notice	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Bernadette Schumaker, Director, Division of Special Payment Programs, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-5, ELR, 6325 Security Boulevard, Baltimore, MD 21207-5187, 410 966-4567

**RIN:** 0938-AG04

**1198. ● REVISIONS TO COVERAGE OF RURAL HEALTH CARE SERVICES (BPD-764-P)**

**Legal Authority:** PL 101-508, Sections 4087 and 4161(b) of OBRA '90; PL 100-203, sec 4077(a); PL 100-203, sec 6113; PL 101-239, sec 6213; PL 101-508, sec 4067; PL 101-508, sec 4161(b)

**CFR Citation:** 42 CFR 405 subpart X; 42 CFR 491 subpart A

**Legal Deadline:** None

**Abstract:** This rule would contain rural health care coverage and payment revisions to existing regulations to implement provisions of the Omnibus Reconciliation Act of 1987 (OBRA '87) of P.L. 100-239, and the Omnibus Reconciliation Act of 1990 (OBRA '90), P.L. 101-508.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jacqueline Sheridan, Chief, Alternative Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4635

**RIN:** 0938-AG05

**1199. ● TRANSFER OF INTERMEDIARY AND CARRIER FUNCTIONS (BPO-111-P)**

**Legal Authority:** 42 USC 1395h; 42 USC 1395u

**CFR Citation:** 42 CFR 421.100; 42 CFR 421.200

**Legal Deadline:** None

**Abstract:** Current regulations list functions that intermediaries and carriers must perform. All intermediaries and all carriers must perform all the enumerated functions. This rule would require all contractors to perform certain functions, such as claims processing, but would give the Health Care Financing Administration flexibility to move some functions from one contractor to another to reduce inefficiency, lower cost or achieve better program administration.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Alan Bromberg, Program Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, 3-F-1 ME Building, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-7441

**RIN:** 0938-AG06

**1200. ● MEDICARE SECONDARY PAYER: MULTIEMPLOYER PLAN EXCEPTION (BPO-113-P)**

**Legal Authority:** 42 USC 1302; 42 USC 1395hh

**CFR Citation:** 42 CFR 411.72; 42 CFR 411.73

**Legal Deadline:** None

**Abstract:** This rule would set forth the procedures that must be followed by a multiemployer group health plan in order to have employees of employers of fewer than 20 employees exempted from the Medicare Secondary Payer (MSP) provisions. Medicare would be primary payer for employees exempted from the MSP provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Herbert Shankroff, Chief, State and Contractor Liaison Branch, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing



HHS—HCFA

Proposed Rule Stage

Administration, Room 368, ME Bldg.,  
6325 Security Boulevard, Baltimore, MD  
21207, 410 966-7171

RIN: 0938-AG07

### 1201. ● REVISED MEDICAID MANAGEMENT INFORMATION SYSTEMS (MB-38-PN)

Legal Authority: 42 USC 1396b(r)

CFR Citation: 42 CFR 433.1; 42 CFR  
431.17; 42 CFR 447.10; 42 CFR 447.45; 42  
CFR 74.20; 42 CFR 74.21

Legal Deadline: None

**Abstract:** This notice sets forth revised general functional requirements for the Medicaid Management Information System (MMIS). The MMIS consists of software and hardware used to process Medicaid claims and to retrieve and produce utilization and management information about services that are required by the Medicaid agency or Federal Government for administrative or audit purposes. The revised requirements allow States more flexibility to exercise variations in the implementation. (Systems concepts without prescribing a particular system design or solution.)

#### Timetable:

Action	Date	FR Cite
Notice	10/00/92	

Small Entities Affected: None

Government Levels Affected: State

**Agency Contact:** Richard Friedman,  
Director, Division of Payment Systems,  
Medicaid Bureau, Department of Health  
and Human Services, Health Care  
Financing Administration, Room 273,  
ELR, 6325 Security Boulevard,  
Baltimore, MD 21207, 410 966-3292

RIN: 0938-AG10

### 1202. ● INCOME AND ELIGIBILITY VERIFICATION SYSTEM (MB-66-P)

Legal Authority: 42 USC 1320b-7

CFR Citation: 42 CFR 435.940; 42 CFR  
435.945; 42 CFR 435.948; 42 CFR 435.952;  
42 CFR 435.953; 42 CFR 435.955; 42 CFR  
435.960; 42 CFR 435.965

Legal Deadline: None

**Abstract:** This rule would amend our regulations to allow States more flexibility to limit their income and eligibility verification system data match requests to only those matches that are productive or useful. States would be required to submit plans of alternative income and eligibility verification system procedures for approval by the Health Care Financing Administration. The flexibility offered by this change would afford States the freedom to design more efficient data matches.

#### Timetable:

Action	Date	FR Cite
NPRM	08/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: State

**Agency Contact:** Donna Jarosinski,  
Program Analyst, Medicaid Bureau,  
Department of Health and Human  
Services, Health Care Financing  
Administration, Room 237, EHR, 6325  
Security Boulevard, Baltimore, MD  
21207, 410 966-5928

RIN: 0938-AG12

### 1203. ● MEDICAID DRUG COVERAGE: SCOPE AND LIMITATIONS (MB-67-P)

Legal Authority: 42 USC 1396a(a)(54);  
42 USC 1396b(i); 42 USC 1396r-8CFR Citation: 42 CFR 440.120; 42 CFR  
441.25

Legal Deadline: None

**Abstract:** This rule would revise the regulations governing the coverage of prescription drugs under Medicaid to clarify coverage requirements for those prescription drugs that do not fall under the drug rebate program under section 1927 of the Social Security Act. The drug rebate program was established by section 4401 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508. The rule also would further define drug "substances" for which Federal financial participation would be available and clarify whether drugs covered under Medicaid include drug-

related supplies and devices or enteral nutrition products.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/93	

Small Entities Affected: Undetermined

Government Levels Affected: State

**Agency Contact:** Linda Sizelove, Chief,  
Medicaid Coverage Branch, Medicaid  
Bureau, Department of Health and  
Human Services, Health Care Financing  
Administration, Room 400, EHR, 6325  
Security Boulevard, Baltimore, MD  
21207, 410 966-4626

RIN: 0938-AG13

### 1204. ● COVERAGE OF CERTIFIED NURSE MIDWIFE SERVICES (BPD-496- P)

Legal Authority: 42 USC 1102

CFR Citation: 42 CFR 405.2411; 42 CFR  
405.2414; 42 CFR 405.2415; 42 CFR  
410.10; 42 CFR 410.77

Legal Deadline: None

**Abstract:** This rule would establish regulations governing Medicare Part B coverage of services of a Certified Nurse Mid-Wife, as provided for in Section 4073 of the Omnibus Budget Reconciliation Act of 1987, as amended by Section 411(h)(4) of the Medicare Catastrophic Coverage Act of 1988. Coverage of Certified Nurse-Midwife Services has been effective for services furnished on or after July 1, 1988.

#### Timetable:

Action	Date	FR Cite
NPRM	02/00/93	

Small Entities Affected: Undetermined

Government Levels Affected:  
Undetermined

**Agency Contact:** David Higbee, Chief,  
Medical Services Branch, Department of  
Health and Human Services, Health  
Care Financing Administration, 437 East  
High Rise, 6325 Security Boulevard,  
Baltimore, MD 21207, 410 966-4638

RIN: 0938-AG17



## DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

## Health Care Financing Administration (HCFA)

**1205. MEDICAID ELIGIBILITY AND COVERAGE REQUIREMENTS (MB-001-FC)****Significance:** Regulatory Program**Legal Authority:** 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(a)(17); 42 USC 1396b(f)(1); 42 USC 1396d(a)**CFR Citation:** 42 CFR 435; 42 CFR 438**Legal Deadline:** None

**Abstract:** This final rule amends the regulations for determining Medicaid eligibility. The amendments implement or conform the regulations to various statutes, including the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248), the Omnibus Budget Reconciliation Act (OBRA) of 1987 (Pub. L. 100-203), the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100-360), OBRA '89 (Pub. L. 101-239) and OBRA '90 (Pub. L. 101-508). The amendments also make some administrative changes to clarify policy and enhance the efficient operation of the Medicaid program.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39421
NPRM Comment Period End	11/27/89	54 FR 39421
Final Rule With Comment Period	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Local, State

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4451

RIN: 0938-AA58

**1206. DEDUCTION OF INCURRED MEDICAL EXPENSES (SPENDDOWN) (MB-020-FC)****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 will 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	48 FR 39959
Final Rule With Comment Period	03/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** State

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4451

RIN: 0938-AB07

**1207. PAYMENT FOR THE SERVICES OF PHYSICIANS FURNISHED IN TEACHING SETTINGS AND OTHER PROVIDERS (BPD-142-F)****Legal Authority:** 42 USC 1395xx; 42 USC 1302; 42 USC 1395l(a)(2); 42 USC 1395hh; 42 USC 1395x(b); 42 USC 1395x(v)(1)(C); 42 USC 1395x(v)(1)(D); 42 USC 1395k(a)(2)(B)(i); 42 USC 1395u(b)(7)**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 will reflect provisions of section 948 of Pub. L. 96-499 and section 2307 of Pub. 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 physician and services furnished to the provider, as well as the method of payment for these services. These rules will set forth the conditions under which physicians in teaching settings will be paid 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. The rules will also clarify related physician payment issues.

**Timetable:**

Action	Date	FR Cite
NPRM	02/07/89	54 FR 5946
NPRM Comment Period End	04/10/89	54 FR 5946
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4497

RIN: 0938-AB61

**1208. HOME AND COMMUNITY-BASED SERVICES AND RESPIRATORY CARE FOR VENTILATOR-DEPENDENT INDIVIDUALS (MB-8-FC)****Legal Authority:** 42 USC 1396n(c); 42 USC 1302**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 440.185; 42 CFR 440.250**Legal Deadline:** None

**Abstract:** This rule revises the regulations for home and community based services as required by section 9502 of Pub. L. 99-272, sections 9408 and 9411 of Pub. L. 99-509, sections 4102 and 4118 of Pub. L. 100-203, sections 411(k)(10)(A) and 411(k)(10)(H) of Pub. L. 100-360, section 8427 of Pub. L. 100-647, and sections 4741 and 4742 of Pub. L. 101-508.

**Timetable:**

Action	Date	FR Cite
NPRM	06/01/88	53 FR 19950
NPRM Comment Period End	07/31/88	53 FR 19950
Final Action	08/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Local, State



HHS—HCFA

Final Rule Stage

**Agency Contact:** Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-5659

**RIN:** 0938-AC55

**1209. PARTICIPATION IN CHAMPUS AND CHAMPVA, HOSPITAL ADMISSIONS FOR VETERANS, DISCHARGE RIGHTS NOTICE, AND HOSPITAL RESPONSIBILITY FOR EMERGENCY CARE (BPD-393-FC)**

**Legal Authority:** 42 USC 1395x; 42 USC 1395cc; 42 USC 1395dd; 42 USC 1395hh; 42 USC 1302

**CFR Citation:** 42 CFR 488.18; 42 CFR 489.20; 42 CFR 489.24; 42 CFR 489.25; 42 CFR 489.26; 42 CFR 489.27; 42 CFR 489.53; 42 CFR 1003

**Legal Deadline:** None

**Abstract:** This final rule with comment period will formally implement statutory requirements that require Medicare participating hospitals with emergency departments to provide upon request medical examinations and treatments for individuals with emergency medical conditions and women in active labor. A participating hospital that has specialized capabilities or facilities (such as burn, shock trauma, or neonatal intensive care units) must accept appropriate transfer if they have the capacity to treat the individual. Hospitals failing to meet those requirements may have their Medicare provider agreements terminated, and hospitals and responsible physicians may be subject to civil money penalties. Under section 9122 of Pub. L. 99-272, Medicare participating hospitals are required to accept CHAMPUS and CHAMPVA payment as payment in full for services provided to CHAMPUS and CHAMPVA beneficiaries. These regulations will also implement section 9305(b) of Pub. L. 99-509, which requires Medicare hospitals to give patients a notice of their discharge rights.

**Timetable:**

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22513
NPRM Comment Period End	08/15/88	53 FR 22513
Final Rule With Comment Period	12/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, 410 966-4607

**RIN:** 0938-AC58

**1210. CHANGES CONCERNING SUSPENSION OF MEDICARE PAYMENTS AND DETERMINATIONS OF ALLOWABLE INTEREST EXPENSE (BPD-429-FC)**

**Legal Authority:** 42 USC 1320b-4; 42 USC 1395u; 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302

**CFR Citation:** 42 CFR 413.153; 42 CFR 405.370; 42 CFR 413.5(c)(3); 42 CFR 405.371; 42 CFR 405.372; 42 CFR 405.373; 42 CFR 405.375

**Legal Deadline:** None

**Abstract:** This rule will change the Medicare regulations to provide for the following: (1) elimination of the requirement that in case of overpayments to health care providers, the contractor makes a determination that a suspension of payment is needed to protect the program against financial loss before the payment can be suspended; (2) elimination of the requirement that investment income of providers from gifts, grants, and endowments be offset against allowable interest expenses if that investment income is commingled with other funds; and (3) extension of the list of exceptions to the interest expense/investment income offset provision to include investment income from deferred compensation plans and self-insurance funds.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31888
NPRM Comment Period End	10/21/88	
Final Rule With Comment Period	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**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, 410 966-4513

**RIN:** 0938-AC99

**1211. CHANGES CONCERNING THE DEFINITION OF ACCRUAL BASIS OF ACCOUNTING (BPD-366-F)**

**Legal Authority:** 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302

**CFR Citation:** 42 CFR 413.24

**Legal Deadline:** None

**Abstract:** This rule proposes to revise the Medicare regulations to clarify the definition of "accrual basis of accounting" to indicate that expenses must be incurred by a provider of health care services before Medicare will pay its share of those expenses. This change is intended to conform the regulations with the law and to promote economy and efficiency in the administration of the Medicare program.

**Timetable:**

Action	Date	FR Cite
NPRM	10/09/91	56 FR 50834
NPRM Comment Period End	12/09/91	56 FR 50834
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:**

**TIMETABLE:** Pending analysis of public comments.

**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, 410 966-4513

**RIN:** 0938-AD01

**1212. CRITERIA AND PROCEDURES FOR MAKING MEDICAL SERVICES COVERAGE DECISIONS THAT RELATE TO HEALTH CARE TECHNOLOGY (BPD-432-F)**

**Legal Authority:** 42 USC 1395y; 42 USC 1302; 42 USC 1395hh

**CFR Citation:** 42 CFR 400.200; 42 CFR 405.201; 42 CFR 405.203; 42 CFR 405.205; 42 CFR 405.207; 42 CFR 405.209

**Legal Deadline:** None



HHS—HCFA

Final Rule Stage

**Abstract:** The rule will establish in regulations generally applicable standards and procedures for 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 rule is to assure that Federal funds are expended only for medical services that are properly covered under the Medicare program.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4302
NPRM Comment Period End	03/31/89	54 FR 4302
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:**

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** Anne Marie Hummel, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 401 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 410 966-4637

**RIN:** 0938-AD07

### 1213. REVISIONS TO CONDITIONS OF PARTICIPATION FOR HOSPITALS AND CONDITIONS FOR COVERAGE OF SUPPLIERS OF END-STAGE RENAL DISEASE SERVICES (BPD-421-F)

**Legal Authority:** 42 USC 1395x(e)(6)(B); PL 99-509, Sec 9339(d); 42 USC 1395x(ee); 42 USC 1302; 42 USC 1395hh

**CFR Citation:** 42 CFR 405; 42 CFR 482

**Legal Deadline:** None

**Abstract:** This final rule will require hospitals, as a condition of participation, to provide a discharge planning process for Medicare patients in accordance with section 9305(c) of Pub. L. 99-509. Revisions will also implement section 6025 of Pub. L. 101-239 to allow a doctor of dental surgery or dental medicine to be a hospital medical director if the laws of the State in which the hospital is located permit. The preamble to this final rule

withdraws proposed regulations for the qualifications of laboratory directors under section 9339(d) of Pub. L. 99-509. The information collection burden of several end-stage renal disease regulations is reduced.

**Timetable:**

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22506
NPRM Comment Period End	08/15/88	53 FR 22506
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4607

**RIN:** 0938-AD11

### 1214. PROHIBITION ON UNBUNDLING OF HOSPITAL OUTPATIENT SERVICES (BPD-426-F)

**Legal Authority:** 42 USC 1395y(a)(14); 42 USC 1395cc(a)(1)(H); 42 USC 1395cc(g); 42 USC 1395x(w)(1); 42 USC 1302; 42 USC 1395hh

**CFR Citation:** 42 CFR 405; 42 CFR 409; 42 CFR 410; 42 CFR 411; 42 CFR 412; 42 CFR 489; 42 CFR 1003

**Legal Deadline:** None

**Abstract:** These regulations will implement sections 9343(c)(1), (c)(2), and (c)(3) of the Omnibus Budget Reconciliation Act of 1986, as amended by section 4157 of the Omnibus Budget Reconciliation Act of 1990. This rule, issued jointly by HCFA and OIG, will prohibit Medicare payment for most nonphysician services furnished to a hospital outpatient by a provider or supplier other than the hospital, unless the services are furnished under an arrangement with the hospital. The hospital will be obligated by its provider agreement to furnish the services directly or under an arrangement. These regulations also authorize OIG to impose a civil money penalty, not to exceed \$2,000, against any individual who knowingly and willfully presents, or causes to be presented, a bill or request for payment for a hospital outpatient service under Part B of Medicare in violation of an arrangement.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29486
NPRM Comment Period End	10/04/88	53 FR 29486
Final Action	00/00/00	

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:**

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** Thomas Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4607

**RIN:** 0938-AD33

### 1215. CHANGES TO PEER REVIEW ORGANIZATION REGULATIONS (HSQ-135-F)

**Legal Authority:** 42 USC 1395y(a); 42 USC 1320(c); 42 USC 1395hh; 42 USC 1396a(a)(30); 42 USC 1395cc(a); 42 USC 1302

**CFR Citation:** 42 CFR 400.200; 42 CFR 411.15; 42 CFR 431.630; 42 CFR 433.15; 42 CFR 462.1; 42 CFR 462.50; 42 CFR 462.101; 42 CFR 462.102; 42 CFR 462.106; 42 CFR 462.107; 42 CFR 466.1; 42 CFR 466.71; 42 CFR 466.76; 42 CFR 466.78; 42 CFR 466.83; ...

**Legal Deadline:** None

**Abstract:** This rule sets forth several changes to regulations that govern Peer Review Organizations (PROs) and is based on legislative changes contained in the Omnibus Budget Reconciliation Acts of 1985 and 1986. In addition, several technical changes have been proposed, as a result of experience gained with the PRO program by HCFA. This rule also implements the new quality review requirements for certain Medicaid Health Maintenance Organization contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8654
NPRM Comment Period End	05/16/88	53 FR 8654
Final Action	04/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Undetermined



## HHS—HCFA

## Final Rule Stage

**Agency Contact:** Harvey Brook, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Rm. 2-D-2 Meadows East Bldg., 6325 Security Blvd., Baltimore, MD. 21207. 410 966-6853

RIN: 0938-AD38

### 1216. HOME AND COMMUNITY-BASED SERVICES FOR THE ELDERLY (MB-019-F)

**Legal Authority:** 42 USC 1396n(d); 42 USC 1302

**CFR Citation:** 42 CFR 435.3; 42 CFR 435.217; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.2; 42 CFR 436.217; 42 CFR 440.250; 42 CFR 441.10; 42 CFR 441.350 to 441.357; 42 CFR 441.360; 42 CFR 441.365; 42 CFR 400.203; 42 CFR 440.1; 42 CFR 440.181

**Legal Deadline:** Final, Statutory, October 1, 1989.

**Abstract:** This regulation will implement section 1915(d) of the Social Security Act, which allows a State to obtain a waiver of certain Medicaid requirements to permit Federal financial participation for home and community based services provided to individuals age 65 or older who are shown by an evaluation to be likely to require the level of care provided in a skilled nursing facility (SNF) or intermediate care facility (ICF), (nursing facility (NF) effective October 1, 1990), the cost for which could be paid by Medicaid. The statute allows for waivers of statewideness, comparability, and income deeming. Under the waiver provisions, the total amount expended by the State for home and community based services, SNF services, and ICF services (NF effective October 1, 1990) for individuals over age 65 may not exceed a "projected amount," determined under the methodology provided in these regulations. For States electing this option the waiver would replace home and community based waivers available under section 1915(c) of the Act, for individuals in this age category.

**Timetable:**

Action	Date	FR Cite
Effective Date	06/30/92	57 FR 29142
Comment Period End		

Action	Date	FR Cite
Interim Final Rule With Comment Period	06/30/92	57 FR 29142
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Additional Information:**

TIMETABLE: Pending analysis of public comments.

**Agency Contact:** Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-5659

RIN: 0938-AD55

### 1217. PAYMENT FOR DURABLE MEDICAL EQUIPMENT AND ORTHOTIC AND PROSTHETIC DEVICES (BPD-494-IFC)

**Legal Authority:** 42 USC 1302; 42 USC 1395hh; 42 USC 1395m(a); 42 USC 1395x(n); 42 USC 1395l(a); 42 USC 1395u(b); 42 USC 1395x(b); 42 USC 1395x(v); 42 USC 1395cc(a); 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 1395f(b); 42 USC 1395k; 42 USC 1395l(a); ...

**CFR Citation:** 42 CFR 405.501; 42 CFR 405.514; 42 CFR 414.200; 42 CFR 414.202; 42 CFR 414.210; 42 CFR 414.220; 42 CFR 414.222; 42 CFR 414.226; 42 CFR 414.228; 42 CFR 414.229; 42 CFR 410.36; 42 CFR 410.38; 42 CFR 414.232

**Legal Deadline:** None

**Abstract:** This final rule with comment period implements section 4082 of PL 100-203 and sections 4152 and 4153 of PL 101-508. It establishes fee schedules and payment methodologies that govern payments for six categories of durable medical equipment and orthotic and prosthetic devices. The new payment rates are to be effective for items provided on or after January 1, 1989, with certain revisions effective January 1, 1991.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Comment Period	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4497

RIN: 0938-AD65

### 1218. CHARGES TO RESIDENTS' FUNDS IN NURSING HOMES (BPD-477-F)

**Legal Authority:** 42 USC 1395i-3(f)(7); 42 USC 1395hh; 42 USC 1302; 42 USC 1396r(f)(7)

**CFR Citation:** 42 CFR 483

**Legal Deadline:** Other, Statutory, July 1, 1988.

**Abstract:** This final rule defines those costs which may be charged to the personal funds of Medicare and Medicaid patients in nursing facilities and the costs which are to be included in the payment amount for nursing facility services.

**Timetable:**

Action	Date	FR Cite
NPRM	03/20/90	55 FR 10256
NPRM Comment Period End	05/21/90	55 FR 10256
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Thomas E. Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 401 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, 410 966-4607

RIN: 0938-AD66

### 1219. PROHIBITION OF FFP FOR EDUCATIONAL AND VOCATIONAL TRAINING FOR INSTITUTIONALIZED INDIVIDUALS (BPD-485-F)

**Legal Authority:** 42 USC 1302; 42 USC 1396a(a)(17)(B); 42 USC 1396a(a)(25); 42 USC 1396b(c)

**CFR Citation:** 42 CFR 441

**Legal Deadline:** None

**Abstract:** This rule reflects court decisions and legislation (the Medicare



## HHS—HCFA

## Final Rule Stage

Catastrophic Coverage Act of 1988, section 411) precluding the Department from using a child's individualized education program rather than the nature of services provided, to determine whether or not services provided to residents of intermediate care facilities for the mentally retarded are reimbursable under Medicaid.

**Timetable:**

Action	Date	FR Cite
NPRM	02/21/90	55 FR 6015
NPRM Comment Period End	04/23/90	55 FR 6015
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Thomas E. Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 401 EHR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4607

**RIN:** 0938-AD69

### 1220. MEDICARE SECONDARY PAYER FOR DISABLED ACTIVE INDIVIDUALS (BPD-482-F)

**Legal Authority:** 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

**CFR Citation:** 42 CFR 411

**Legal Deadline:** None

**Abstract:** This rule implements the Medicare secondary payer provision for disabled "active individuals" who are also covered under large group health plans (LGHP) and prohibits discrimination by LGHPs against such individuals.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/90	55 FR 8491
NPRM Comment Period End	05/08/90	55 FR 8491
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Herbert Pollock, Chief, Medicare Benefit Coordination Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, Maryland 21207, 410 966-4474

**RIN:** 0938-AD73

### 1221. MEDICARE COVERAGE OF HOME HEALTH SERVICES, MEDICARE CONDITIONS OF PARTICIPATION AND HOME HEALTH AIDE SUPERVISION (BPD-469-F)

**Legal Authority:** 42 USC 1302; 42 USC 1395x(m); 42 USC 1395hh; 42 USC 1395x(o)

**CFR Citation:** 42 CFR 409; 42 CFR 418; 42 CFR 484

**Legal Deadline:** None

**Abstract:** These regulations establish home health aide supervision and duty requirements applicable to all home health agencies and hospices that provide home health aide services under the Medicare program. In addition, these regulations codify longstanding policies concerning the limitations and exclusions applicable to home health services covered under the Medicare program. The rule also clarifies policies concerning exclusions for drugs and biological and prosthetic devices.

**Timetable:**

Action	Date	FR Cite
NPRM	09/27/91	56 FR 49154
NPRM Comment Period End	11/26/91	56 FR 49154
Final Action	09/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Thomas Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR, 6325 Security Blvd., Baltimore, Md. 21207, 410 966-4607

**RIN:** 0938-AD78

### 1222. OMNIBUS NURSING HOME REFORM REQUIREMENTS (BPD-488-F)

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395x; 42 USC 1395i-3; 42 USC 1396r; 42 USC 1395hh; 42 USC 1302

**CFR Citation:** 42 CFR 483; 42 CFR 431; 42 CFR 440; 42 CFR 488; 42 CFR 418; 42 CFR 482

**Legal Deadline:** None

**Abstract:** This rule would implement several provisions of the Omnibus Budget Reconciliation Act of 1987, other than those implemented through the rule published on February 2, 1989,

governing long term care facility participation in the Medicare and Medicaid programs effective October 1, 1990, and State requirements for FFP. The provisions include Federal standards for evaluating State waivers of nursing facility nurse staffing requirements, use of physical restraints and psychopharmacologic drugs for nursing facility residents, notices of Medicaid rights to be given to persons admitted to nursing facilities, and other technical changes.

**Timetable:**

Action	Date	FR Cite
NPRM	02/05/92	57 FR 4516
NPRM Comment Period End	04/06/92	57 FR 4516
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:**

**TIMETABLE:** Pending analysis of public comments.

**Agency Contact:** Bill Ullman, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5667

**RIN:** 0938-AD81

### 1223. FEE SCHEDULE FOR PAYMENT OF THERAPEUTIC AND DIAGNOSTIC SERVICES OTHER THAN PSYCHOLOGICAL TESTING PROVIDED BY CLINICAL PSYCHOLOGISTS AND CLINICAL SOCIAL WORKERS (BPD-495-IFC)

**Legal Authority:** 42 USC 1302; 42 USC 1395k; 42 USC 1395m; 42 USC 1395u; 42 USC 1395w-4; 42 USC 1395x(b); 42 USC 1395y; 42 USC 1395 cc; 42 USC 1395rr; 42 USC 1395hh; 42 USC 1395l; 42 USC 1395x; 42 USC 1395l; 42 USC 1395x(s)

**CFR Citation:** 42 CFR 415

**Legal Deadline:** None

**Abstract:** This interim final rule with comment period establishes fee schedules for payment for therapeutic and miscellaneous diagnostic services furnished under Medicare Part B by clinical psychologists or incident to the services of a clinical psychologist, and a clinical social worker. It implements a portion of section 4077(b) of the



## HHS—HCFA

## Final Rule Stage

Omnibus Budget Reconciliation Act of 1987 as amended.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Comment Period	11/00/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4497

**RIN:** 0938-AD84

#### 1224. DIAGNOSIS CODES ON PHYSICIAN BILLS (BPD-610-F)

**Legal Authority:** 42 USC 1395u(p); 42 USC 1395hh; 42 USC 1302

**CFR Citation:** 42 CFR 424.3; 42 CFR 424.32; 42 CFR 424.34

**Legal Deadline:** None

**Abstract:** This rule requires each bill or request for payment for a service furnished by a physician under Medicare Part B must include appropriate diagnostic coding for the diagnosis on the nature of the illness or injury for which the Medicare beneficiary received care. This rule implements certain provisions of section 202(g) of PL 100-360.

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/89	54 FR 30558
NPRM Comment Period End	09/19/89	54 FR 30558
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Pat Brooks, Director, Medical Coding Policy Staff, Department of Health and Human Services, Health Care Financing Administration, 401 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5313

**RIN:** 0938-AE06

#### 1225. HMOS: GROUP SPECIFIC RATINGS (OCC-009-F)

**Legal Authority:** 42 USC 300e(c); 42 USC 300e-1(8)(C)

**CFR Citation:** 42 CFR 417.104; 42 CFR 417.107

**Legal Deadline:** None

**Abstract:** This rule amends the regulations governing payment for basic health services under the community rating system in federally qualified HMOs by implementing certain changes made by the Health Maintenance Organization Amendments of 1988 (Pub. L. 100-517). The changes broaden the definition of community rating, place some restrictions on the use of group specific ratings for small groups, and require HMOs using group specific rates to disclose the method and data used in calculating the rates of payment to employers or contracting entities.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/91	56 FR 31597
Public Comment Period End	09/09/91	56 FR 31597
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:**

**TIMETABLE:** Pending analysis of public comments.

**Agency Contact:** Melvin Silverman, Program Analyst, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, 4360 Cohen Bldg., 330 Independence Avenue SW., Washington, DC 20201, 202 619-0834

**RIN:** 0938-AE24

#### 1226. CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988; FEE COLLECTION (HSQ-177-F)

**Legal Authority:** 42 USC 263a

**CFR Citation:** 42 CFR 493.602 to 493.649

**Legal Deadline:** None

**Abstract:** This rulemaking implements certain provisions of the Clinical Laboratory Improvement Amendments of 1988 by requiring all laboratories to pay fees for issuance of certificates and for determining compliance with requirements for laboratory testing. It

also establishes the methodology used to determine fee amounts and establish certificate application procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/90	55 FR 31758
NPRM Comment Period End	10/02/90	55 FR 31758
Final Rule With Comment Period	02/28/92	57 FR 7188
Effective	03/30/92	57 FR 7188
Comment Period End	04/28/92	57 FR 7188
Final Action	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Additional Information:**

**TIMETABLE:** Pending analysis of public comments.

**Agency Contact:** Jeff Clark, Deputy Director, Division of Systems Management and Data Analysis, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-6801

**RIN:** 0938-AE28

#### 1227. "CONFINED TO THE HOME" REQUIREMENTS FOR HOME HEALTH SERVICES (BPD-626-F)

**Legal Authority:** 42 USC 1302; 42 USC 1395f(a); 42 USC 1395hh

**CFR Citation:** 42 CFR 409.42

**Legal Deadline:** None

**Abstract:** This rule clarifies when a home health patient is considered "confined to the home" in order to receive home health benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/91	56 FR 50542
NPRM Comment Period End	12/06/91	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401



HHS—HCFA

Final Rule Stage

EHR, 6325 Security Blvd., Baltimore,  
MD 21207, 410 966-4607

RIN: 0938-AE34

**1228. PAYMENT ADJUSTMENTS FOR HOSPITALS THAT SERVE A DISPROPORTIONATE NUMBER OF LOW-INCOME PATIENTS (MB-017-IFC)**

**Legal Authority:** 42 USC 1302; 42 USC 1396a(a)(13)(A); 42 USC 1396r-4

**CFR Citation:** 42 CFR 412; 42 CFR 440; 42 CFR 447

**Legal Deadline:** None

**Abstract:** This rule establishes the requirements and options for Medicaid payments to hospitals that serve a disproportionate number of low-income patients with special needs. The Medicaid agency will be required to make payment adjustments to these hospitals when such hospitals have met specified conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/90	55 FR 10077
NPRM Comment Period End	05/18/90	55 FR 10077
Interim Final Rule	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:**

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** Bernard Truffer, Director, Division of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 291, EHR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-1357

RIN: 0938-AE35

**1229. SURVEY REQUIREMENTS AND ALTERNATIVE SANCTIONS FOR HOME HEALTH AGENCIES (HSQ-169-F)**

**Legal Authority:** 42 USC 1302; 42 USC 1395w-2; 42 USC 1395bbb; 42 USC 1395hh

**CFR Citation:** 42 CFR 488; 42 CFR 489; 42 CFR 498

**Legal Deadline:** None

**Abstract:** These rules would establish requirements for periodic, unannounced surveys of home health agencies, and

specify a number of sanctions that could be used, when a home health agency is out of compliance with Federal requirements, as an alternative to terminating its participation in the Medicare program.

**Timetable:**

Action	Date	FR Cite
NPRM	08/02/91	56 FR 37054
NPRM Comment Period End	10/01/91	56 FR 37054
Final Action	01/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Irene Gibson, Director, Division of Program Operations, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East, 6300 Security Boulevard, Baltimore, MD 21207, 410 966-6768

RIN: 0938-AE39

**1230. MEDICARE, MEDICAID AND CLIA PROGRAMS: REGULATIONS IMPLEMENTING THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 (CLIA' 88) (HSQ-176-F)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 263a

**CFR Citation:** 42 CFR 493

**Legal Deadline:** None

**Abstract:** Historically the Department has regulated laboratories by "location," rather than by types of tests they perform. Amendments to the Clinical Laboratories Improvements Act of 1988 change this approach. The amendments require that the Department "regulate by test," using what is commonly referred to as the "complexity model." A final rule with comment period was published February 28, 1992, that set forth standards for all laboratories based on complexity and responds to public comments on the proposed standards. A final rule which will respond to public comments on the February 28 rule will also be issued.

**Timetable:**

Action	Date	FR Cite
NPRM	05/21/90	55 FR 20896
NPRM Comment Period End	09/21/90	55 FR 34289
Final Rule With Comment Period	02/28/92	57 FR 7002
Comment Period End	04/28/92	57 FR 7002
Effective	09/01/92	57 FR 7002
Final Action	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Additional Information:**

**TIMETABLE:** Pending analysis of public comments.

**Agency Contact:** Wayne Smith, Ph.D., Director, Division of Hospital and Ambulatory Services, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, 2-D-2 ME, Baltimore, Maryland 21207, 410 966-6001

RIN: 0938-AE47

**1231. CONDITIONS OF COVERAGE FOR ORGAN PROCUREMENT ORGANIZATIONS (BPD-646-FC)**

**Legal Authority:** 42 USC 1302; 42 USC 1395x; 42 USC 1395hh

**CFR Citation:** 42 CFR 485; 42 CFR 405; 42 CFR 482

**Legal Deadline:** Final, Statutory, November 16, 1991.

**Abstract:** This final rule sets forth changes to the conditions of coverage for organ procurement organizations (OPOs). It deals with the definition of an OPO service area, expansion of the qualifications for the Board of Directors, OPO assistance to be provided to hospitals in establishing and implementing protocols governing organ procurement activity, establishing criteria for allocating organs, and organ testing for AIDS.

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/91	56 FR 28513
NPRM Comment Period End	08/21/91	56 FR 28513
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None



**Agency Contact:** Claude Mone, Program Analyst, Alternative Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5666  
**RIN:** 0938-AE48

**1232. PREADMISSION SCREENING AND ANNUAL RESIDENT REVIEW (BPD-661-F)**

**Significance:** Regulatory Program  
**Legal Authority:** 42 USC 1395r; 42 USC 1302  
**CFR Citation:** 42 CFR 483  
**Legal Deadline:** NPRM, Statutory, March 19, 1990.

**Abstract:** This final rule would formally implement sections 4211 of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), section 6901 of the Omnibus Budget Reconciliation Act of 1989 and section 4801 of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90). The provisions include: (1) State requirements for preadmission screening and annual resident review of individuals with mental illness or mental retardation who are applicants to or residents of nursing facilities that are certified for Medicaid; and (2) appeals systems for persons who may be transferred or discharged from facilities or who wish to dispute a determination made in the preadmission screening and annual review process. The changes in this rule include OBRA '90 provisions defining "severe mental illness" and "specialized services" which will reduce State review workloads and clarify Medicaid matching payment for the States.

**Timetable:**

Action	Date	FR Cite
NPRM	03/23/90	55 FR 10951
NPRM Comment Period End	05/22/90	55 FR 10951
Final Action	10/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** State  
**Agency Contact:** Julie Walton, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325

Security Boulevard, Baltimore, Maryland 21207, 410 966-4622  
**RIN:** 0938-AE49

**1233. REVISIONS OF THE MEDICARE ECONOMIC INDEX (BPD-655-F)**

**Significance:** Agency Priority  
**Legal Authority:** 42 USC 1395u(b)(3); 42 USC 1395u(b)(4); 42 USC 1302; 43 USC 1395hh; 42 USC 1395p(6); 42 USC 1395k; 42 USC 1395l(a); 42 USC 1395m(b); 42 USC 1395u(h); 42 USC 1395x(b); 42 USC 1395x(v); 42 USC 1395y(a)(14); 42 USC 1395cc(a); 42 USC 1395rr; 42 USC 1395ww  
**CFR Citation:** 42 CFR 405.502; 42 CFR 405.504  
**Legal Deadline:** None

**Abstract:** This rule responds to comments we received on the proposed rule relating to the Medicare Economic Index (MEI). It would revise the procedure used to calculate the MEI in order to more accurately reflect year-to-year economic changes affecting the cost of providing physician services, thus insuring that Medicare payments for those services do not increase more than is justified. The final rule also amends current regulations to specify dates of services to which the revised MEI applies and to provide a procedure for further revisions of the MEI methodology.

**Timetable:**

Action	Date	FR Cite
NPRM	09/09/91	56 FR 45926
NPRM Comment Period End	11/08/91	56 FR 45926
Final Action	10/00/92	

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined  
**Additional Information:** LEGAL AUTHORITY CONT: 42 USC 1395xx; 42 USC 1395zz

**Agency Contact:** Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4497  
**RIN:** 0938-AE54

**1234. CONFORMING PROVISIONS FOR 1988 HMO AMENDMENTS (OCC-012-F)**

**Legal Authority:** 42 USC 300e(c); 42 USC 300e-1(l); 42 USC 300e-9  
**CFR Citation:** 42 CFR 417  
**Legal Deadline:** None

**Abstract:** This rule would conform existing regulations to sections 5(b) and 7 of the Health Maintenance Organization (HMO) Amendments of 1988 (Pub. L. 100-517). It would prohibit employers from financially discriminating against HMO enrollees in setting employee health plan contributions. It would also eliminate the requirement that one-third of a HMO's policymaking body be HMO enrollees.

**Timetable:**

Action	Date	FR Cite
NPRM	07/05/91	56 FR 30723
Public Comment Period End	09/03/91	56 FR 30723
Interim Final Rule	00/00/00	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Additional Information:**

**TIMETABLE:** Pending analysis of public comments.

**Agency Contact:** Jean LeMasurier, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Building, 330 Independence Ave. SW., Washington, DC 20201, 202 205-0553  
**RIN:** 0938-AE64

**1235. UNIFORM ELECTRONIC COST REPORTING SYSTEM FOR HOSPITALS (BPD-689-F)**

**Legal Authority:** 42 USC 1395ww(f); 42 USC 1302  
**CFR Citation:** 42 CFR 413.20; 42 CFR 413.24; 42 CFR 413.40; 42 CFR 412.52  
**Legal Deadline:** None

**Abstract:** This rule would implement section 1886(f)(1)(B) of the Social Security Act, which requires the Secretary to place into effect a standardized electronic cost reporting format and allows the Secretary to waive the requirement where such implementation would result in a financial hardship for a hospital.



## HHS—HCFA

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	08/19/91	56 FR 41110
NPRM Comment Period End	10/18/91	56 FR 41110
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Additional Information:**

**TIMETABLE:** Pending analysis of public comments.

**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, 410 966-4513

**RIN:** 0938-AE80

**1236. PAYMENT CHANGE FOR HOME DIALYSIS (BPD-690-F)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395rr; 42 USC 1302; 42 USC 1395l(a); 42 USC 1395hh

**CFR Citation:** 42 CFR 414

**Legal Deadline:** None

**Abstract:** This final rule implements section 6203(b) of Pub. L. 101-239 which limits Medicare payment for home dialysis equipment, supplies, and support services, and sets forth other requirements for payment of suppliers of home dialysis supplies and equipment when the patient's self-care home dialysis is not under the direct supervision of a Medicare approved renal dialysis facility. We are also providing a one-time-only opportunity for certain home dialysis patients to change from their current method of payment with an immediate effective date.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/90	55 FR 53007
NPRM Comment Period End	02/25/91	55 FR 53007
Final Action	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Bernadette Schumaker, Director, Div. of Dialysis & Transplant Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-5, ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4568

**RIN:** 0938-AE81

**1237. AGGREGATION OF MEDICARE CLAIMS FOR ADMINISTRATIVE LAW JUDGE (ALJ) HEARINGS AND JUDICIAL REVIEW (BPD-694-F)**

**Legal Authority:** 42 USC 1395hh; 42 USC 1395ff(b)(2); 42 USC 1302

**CFR Citation:** 42 CFR 405.740; 42 CFR 405.820

**Legal Deadline:** None

**Abstract:** This rule would implement section 9341 of the Omnibus Budget Reconciliation Act of 1986, which allows the aggregation of claims, in certain circumstances, to meet the threshold amount necessary to have a hearing before a contractor hearing officer or an administrative law judge and to obtain judicial review under Part A and B of Medicare.

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/91	56 FR 28353
Public Comment Period End	08/19/91	56 FR 28353
Final Action	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Paul Olenick, Director, Division of Medicare Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4472

**RIN:** 0938-AE93

**1238. MEDICARE COVERAGE OF PRESCRIPTION DRUGS USED IN IMMUNOSUPPRESSIVE THERAPY (BPD-424-F)**

**Legal Authority:** 42 USC 1395x(s)(2)(J); 42 USC 1302

**CFR Citation:** 42 CFR 410.31

**Legal Deadline:** None

**Abstract:** This final rule amends the regulations to reflect section 9335(c) of the Omnibus Budget Reconciliation Act of 1986 and section 4075 of the

Omnibus Budget Reconciliation Act of 1987. These provisions provide Medicare coverage for prescription drugs used in immunosuppressive therapy furnished to an individual who receives an organ transplant for which Medicare payment is made for a period of one year after the transplant procedure.

**Timetable:**

Action	Date	FR Cite
NPRM	01/19/88	53 FR 1383
NPRM Comment Period End	03/21/88	53 FR 1383
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Walter Rutenmeuller, Program Analyst, Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-6849

**RIN:** 0938-AE94

**1239. FIRE SAFETY STANDARDS FOR HOSPITALS, LONG TERM CARE FACILITIES, AND INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED (BPD-650-F)**

**Legal Authority:** 42 USC 1395x; 42 USC 1396d; 42 USC 1302

**CFR Citation:** 42 CFR 482.41(b)(1); 42 CFR 483.70(a); 42 CFR 483.470(j)(2)(i)(C)

**Legal Deadline:** None

**Abstract:** This rule amends the fire safety standards for hospitals, long term care facilities, and intermediate care facilities for the mentally retarded and affects only those facilities. It deletes references to the 1967 and 1973 editions of the Life Safety Code of the National Fire Protection Association and requires compliance with either the 1981 or 1985 editions depending on the date when the facility was first certified to participate in Medicare or Medicaid. This rule creates a uniform policy for all types of facilities that participate in the Medicare and Medicaid programs. The revision of the 1967 and 1973 editions of the Life Safety Code is intended to ensure that Medicare and Medicaid beneficiaries and recipients have the benefit of the most current fire protection standards.



**Timetable:**

Action	Date	FR Cite
NPRM	08/01/90	55 FR 31196
NPRM Comment Period End	10/01/90	55 FR 31196
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Thomas E. Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4607

**RIN:** 0938-AE97

**1240. ALLOWING CERTIFICATIONS AND RECERTIFICATIONS BY NURSE PRACTITIONERS AND CLINICAL NURSE SPECIALISTS FOR CERTAIN SERVICES (BPD-709-F)**

**Legal Authority:** 42 USC 1395f(a); 42 USC 1302

**CFR Citation:** 42 CFR 424

**Legal Deadline:** None

**Abstract:** This final regulation implements section 8028 of the Omnibus Budget Reconciliation Act of 1989. It allows nurse practitioners and clinical nurse specialists working in collaboration with a physician to certify and recertify certain services.

**Timetable:**

Action	Date	FR Cite
NPRM	06/28/91	56 FR 29609
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional information:**

**TIMETABLE:** Pending analysis of public comments.

**Agency Contact:** Thomas Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4607

**RIN:** 0938-AF01

**1241. CHANGES TO THE LONG-TERM CARE FACILITY SURVEY PROCESS (HSQ-175-FC)**

**Legal Authority:** PL 101-239, Sec 6901(a); 42 USC 1395i-3; 42 USC 1395aa(d); 42 USC 1396r; 42 USC 1302

**CFR Citation:** 42 CFR 442; 42 CFR 488

**Legal Deadline:** None

**Abstract:** This final rule with comment period amends the Medicare and Medicaid regulations by removing obsolete long-term care survey forms, guidelines, and procedures used by State agencies when they evaluate a Medicare skilled nursing facility or a Medicaid nursing facility for compliance with Federal certification requirements. Effective October 1, 1990, the application of new Federal participation requirements for these facilities with an increased focus on actual or potential resident outcomes has made the survey forms and process in existing regulations outdated. Retention of the outdated items could cause confusion in connection with directions State survey agencies must follow in determining facility compliance.

**Timetable:**

Action	Date	FR Cite
Final Rule With Comment Period	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Additional Information:**

**TIMETABLE:** Pending court ruling.

**Agency Contact:** Irene Gibson, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Blvd., Baltimore, MD 21207, 410 966-6768

**RIN:** 0938-AF02

**1242. REVISED PROCEDURES FOR PAYING CLAIMS FROM PROVIDERS OF MEDICARE SERVICES (BPO-93-N)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1395g(a); 42 USC 1395n(a); 42 USC 1302

**CFR Citation:** 42 CFR 424

**Legal Deadline:** None

**Abstract:** This notice would implement a uniform payment policy and procedures for paying providers of services under Medicare Parts A and B by allowing intermediaries and carriers to pay providers through direct deposits into providers' accounts if certain conditions are met. This would reduce the cost of administration, preparation, and control of hard copy checks, and at the same time provide payments to providers more readily.

**Timetable:**

Action	Date	FR Cite
Proposed Notice	07/11/91	56 FR 31666
Public Comment Period End	08/12/91	56 FR 31666
Final Action	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Louis Palmieri, Budget Analyst, Division of Contractor Financial Management, Department of Health and Human Services, Health Care Financing Administration, 1-B-4, Meadows East Building, 6325 Security Blvd., Baltimore, MD 21207, 410 966-7528

**RIN:** 0938-AF04

**1243. GENERAL NOTICE ON MEDICARE SECONDARY PAYMENT (BPO-94-GN)**

**Legal Authority:** 42 USC 1395y

**CFR Citation:** 42 CFR 411.25

**Legal Deadline:** None

**Abstract:** This general notice will establish procedures to be followed by insurers in reporting Medicare Secondary Payment information which is required by current regulation. This notice is necessary because the regulation does not specify the reporting procedures to be used.

**Timetable:**

Action	Date	FR Cite
General Notice	11/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Marc Thomas, Director, Division of Operational Initiatives, Department of Health and Human Services, Health Care Financing Administration, Room 367, ME Bldg.,



HHS—HCFA

Final Rule Stage

6325 Security Blvd., Baltimore, MD  
21207, 410 966-7154

RIN: 0938-AF05

#### 1244. REQUIRED COVERAGE OF NURSE PRACTITIONER SERVICES - MEDICAID (MB-41-F)

**Legal Authority:** 42 USC 1396d(a)(21); 42 USC 1302

**CFR Citation:** 42 CFR 440

**Legal Deadline:** None

**Abstract:** This regulation would require direct payment to certified pediatric and family nurse practitioners to the extent that these providers are authorized to practice under State laws. It would implement section 6405 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239) which became effective July 1, 1990.

#### Timetable:

Action	Date	FR Cite
NPRM	12/23/91	56 FR 66392
NPRM Comment Period End	02/22/92	56 FR 66392
Final Action	07/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 400, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-5659

RIN: 0938-AF12

#### 1245. PAYMENT FOR FEDERALLY QUALIFIED HEALTH CENTER (FQHC) SERVICES (BPD-728-F)

**Legal Authority:** 42 USC 1396d(a)(2)(C); 42 USC 1396d(l)(2); 42 USC 1396a(a)(13)(E); 42 USC 1302

**CFR Citation:** 42 CFR 447.301

**Legal Deadline:** None

**Abstract:** This final rule with comment period would establish a new category of facility known as an FQHC, the services of which are covered under the Medicare program. These regulations also establish requirements for coverage and payment of FQHC services under Medicare. These regulations implement section 4704 of Pub. L. 101-508.

#### Timetable:

Action	Date	FR Cite
Effective	06/12/92	57 FR 24961
Final Rule with Comment Period	06/12/92	57 FR 24961
Comment Period End	08/11/92	57 FR 24961
Final Action	10/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State

**Agency Contact:** Rita McGrath, Chief, Alternative Delivery Organization Branch, Department of Health and Human Services, Health Care Financing Administration, Room 441, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4635

RIN: 0938-AF14

#### 1246. GRANTING AND WITHDRAWAL OF DEEMING AUTHORITY TO NATIONAL ACCREDITATION ORGANIZATIONS (HSQ-159-F)

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1302; 42 USC 1395f; 42 USC 1395x; 42 USC 1395bb; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1395qq; 42 USC 1395rr; 42 USC 1395tt

**CFR Citation:** 42 CFR 401.126b; 42 CFR 401.133; 42 CFR 488.9

**Legal Deadline:** None

**Abstract:** This final rule expands the types of providers and suppliers of services that we may consider to meet conditions of participation or certification or conditions for coverage by virtue of their accreditation by a national accreditation program. In addition, the final rule permits HCFA to approve and disapprove accreditation organization programs and thereby determine that providers or suppliers accredited by a HCFA-approved national accreditation organization are deemed to meet the required HCFA requirements. This rule also amends confidentiality and disclosure provisions.

#### Timetable:

Action	Date	FR Cite
NPRM	12/14/90	55 FR 51434
NPRM Comment Period End	02/12/91	55 FR 51434
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Irene Gibson, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME, 6325 Security Blvd., Baltimore, MD 21207, 410 966-6768

RIN: 0938-AF17

#### 1247. WITHDRAWAL OF COVERAGE OF THERMOGRAPHY (BPD-645-FN)

**Legal Authority:** 42 USC 1395x; 42 USC 1395y; 42 USC 1302

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This notice announces the Medicare program's withdrawal of Medicare coverage of thermography for all indications.

#### Timetable:

Action	Date	FR Cite
Proposed Notice	10/09/90	55 FR 41140
Public Comment Period End	12/10/90	55 FR 41140
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Sharon Hippler, Program Analyst, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4633

RIN: 0938-AF18

#### 1248. ESSENTIAL ACCESS COMMUNITY HOSPITALS (EACHS) AND RURAL PRIMARY CARE HOSPITALS (RPCHS) (BPD-713-F)

**Legal Authority:** PL 101-239, Sec 6003; PL 101-239, Sec 6116; PL 101-508, Sec 4008(d)

**CFR Citation:** 42 CFR 400; 42 CFR 409; 42 CFR 410; 42 CFR 411; 42 CFR 412; 42 CFR 424; 42 CFR 485; 42 CFR 488; 42 CFR 489; 42 CFR 440; 42 CFR 413; 42 CFR 440; 42 CFR 498

**Legal Deadline:** None

**Abstract:** This final rule responds to comments we received on the proposed rule relating to the Essential Access Community Hospital (EACH) program



that implements sections 6003(g) and 6116 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239), which authorizes HCFA to designate certain rural hospitals as EACHs and other rural facilities as rural primary care hospitals (RPCCHs), and to pay for their services to Medicare patients. It also implements section 4008(d) of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) which made several technical amendments to the original EACH/RPCH legislation.

This final rule will state the requirements a facility must meet to be designated as an EACH or RPCH, describe the types of EACH and RPCH services for which Medicare coverage is available and explain how payment for the services will be made.

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/91	56 FR 55382
NPRM Comment Period End	12/24/91	56 FR 55382
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Thomas E. Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 413, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4607

**RIN:** 0938-AF21

**1249. MEDICARE COVERAGE OF SCREENING MAMMOGRAPHY (BPD-724-F)**

**Legal Authority:** 42 USC 1395aa(a); 42 USC 1395bb(a); 42 USC 1395l(a)(2)(E); 42 USC 1395y(a)

**CFR Citation:** 42 CFR 405.534; 42 CFR 405.535; 42 CFR 410.1; 42 CFR 410.10; 42 CFR 411.15; 42 CFR 413.123; 42 CFR 494.50

**Legal Deadline:** None

**Abstract:** This final rule will address comments received on the regulations published on December 31, 1990 that provide limited coverage for screening mammography services and set forth payment limitations and conditions for coverage of screening mammography. The conditions in the existing regulations consist of quality standards

to assure the safety and accuracy of screening mammography services performed by qualified physicians and other suppliers of these services.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/31/90	55 FR 53510
Effective	01/01/91	55 FR 53510
Public Comment Period End	03/01/91	55 FR 53510
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:**

**TIMETABLE:** Pending resolution of complex policy issues.

**Agency Contact:** William Larson, Program Analyst, Office of Coverage and Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4639

**RIN:** 0938-AF26

**1250. SELF-IMPLEMENTING COVERAGE AND PAYMENT PROVISIONS OF OMNIBUS BUDGET RECONCILIATION ACT OF 1990 (BPD-725-FC)**

**Significance:** Agency Priority

**Legal Authority:** PL 101-508, Sec 4006; PL 101-508, Sec 4008(g); PL 101-508, Sec 4008(m)(1); PL 101-508, Sec 4102 to 4104; PL 101-508, Sec 4107; PL 101-508, Sec 4151(a) to (c); PL 101-508, Sec 4153(b); PL 101-508, Sec 4153(d); PL 101-508, Sec 4201; PL 101-508, Sec 4203(c); PL 101-508, Sec 4204(g); PL 101-239; PL 101-234

**CFR Citation:** 42 CFR 405; 42 CFR 406; 42 CFR 410; 42 CFR 411; 42 CFR 412; 42 CFR 413; 42 CFR 409; 42 CFR 418; 42 CFR 489

**Legal Deadline:** None

**Abstract:** This final rule with comment period updates the Medicare regulations to add or conform them to certain self-implementing provisions on coverage of services and payment requirements under the Omnibus Budget Reconciliation Act of 1990. In some cases, certain self-implementing provisions of the Omnibus Budget Reconciliation Act of 1989 and the Medicare Catastrophic Coverage Repeal Act of 1989 have been included so that

the OBRA '90 provisions could be accurately reflected in the regulations.

The immediate update of the regulations will remove existing conflicts between the regulations and the statute, thus preventing possible public confusion. A final rule may be published in response to public comments.

**Timetable:**

Action	Date	FR Cite
Final Rule With Comment Period	08/12/92	57 FR 36006
Effective	09/11/92	57 FR 36006
Public Comment Period End	10/13/92	57 FR 36006
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Agency Contact:** Sue B. Brown, Director, Regulations Staff, Department of Health and Human Services, Health Care Financing Administration, Room 132, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4658

**RIN:** 0938-AF27

**1251. WRITTEN DOCUMENTATION THAT DEFICIENCIES DO NOT JEOPARDIZE RESIDENT HEALTH AND SAFETY (HSQ-183-F)**

**Legal Authority:** 42 USC 1302; 42 USC 1396a

**CFR Citation:** 42 CFR 442.105(a)

**Legal Deadline:** None

**Abstract:** This rule will delete a requirement in Medicaid regulations pertaining to State survey agencies, which certify facilities as meeting the requirements for participation in the Medicaid program. Specifically, we will delete the requirement that State survey agencies, when certifying facilities with deficiencies, must provide written documentation that the deficiencies do not jeopardize resident health and safety or seriously limit the facility's capacity to furnish adequate care. Because there are already other written requirements for documentation of these deficiencies, this revision will eliminate a duplicative administrative burden, while ensuring patient health and safety.



## HHS—HCFA

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** State

**Agency Contact:** Irene Gibson, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6768

**RIN:** 0938-AF31

### 1252. PHYSICIAN OWNERSHIP OF AND REFERRALS TO HEALTH CARE FACILITIES THAT FURNISH CLINICAL LABORATORY SERVICES (BPD-674-F)

**Significance:** Regulatory Program**Legal Authority:** 42 USC 1395nn; 42 USC 1302**CFR Citation:** 42 CFR 411**Legal Deadline:** Final, Statutory, October 1, 1991.

**Abstract:** This rule will incorporate into regulations provision of section 6204 of the Omnibus Budget Reconciliation Act of 1989. It will prohibit a physician from making a referral for the provision of clinical laboratory services to an entity with which the physician has a financial relationship.

**Timetable:**

Action	Date	FR Cite
NPRM	03/11/92	57 FR 8588
NPRM Comment Period End	05/11/92	57 FR 8588
Final Action	05/00/93	

**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None

**Agency Contact:** Betty Burrier, Program Analyst, Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4649

**RIN:** 0938-AF40

### 1253. MEDICAID PAYMENT FOR COVERED OUTPATIENT DRUGS UNDER REBATE AGREEMENTS (MB-046-IFC)

**Significance:** Regulatory Program**Legal Authority:** 42 USC 1396a(a); 42 USC 1396b(i); 42 USC 1396r-8; 42 USC 1396b(a)**CFR Citation:** 42 CFR 447**Legal Deadline:** None

**Abstract:** This rule would incorporate into our regulations the provisions of section 4401 of the Omnibus Budget Reconciliation Act of 1990 which concern reimbursement for prescribed drugs. Section 4401 amended title XIX of the Social Security Act to add specific requirements for payment for covered outpatient drugs. In general, the requirements concern: denial of Federal technical participation unless rebate agreements and drug use review are in effect; prohibiting State plan drug access limitations for drugs covered under a rebate agreement; and the content of the rebate agreements. The drug rebate agreement was previously published in the Federal Register on February 21, 1991 (56 FR 7049).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/92	

**Small Entities Affected:** Businesses**Government Levels Affected:** State

**Agency Contact:** Larry Reed, Chief, Medicaid Noninstitutional Payment Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 273 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-0830

**RIN:** 0938-AF42

### 1254. PAYMENT FOR CUSTOMIZED WHEELCHAIRS (BPD-730-F)

**Significance:** Agency Priority**Legal Authority:** 42 USC 1395m; 42 USC 1302**CFR Citation:** 42 CFR 414.224**Legal Deadline:** None

**Abstract:** This final rule establishes criteria to be applied in determinations whether a wheelchair qualifies for treatment as a customized item for payment purposes. Section 4152(c)(4)(B) of the Omnibus Budget Reconciliation Act of 1990 established a broad definition, effective for items furnished on or after January 1, 1992, that could have the effect of encompassing many more items than are presently being determined to be "customized" for

payment purposes. However, that section also provides that the statutory criteria will not become effective if the Secretary develops specific criteria prior to January 1, 1992, for the treatment of wheelchairs as customized items for purposes of Medicare payment.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Comment	12/20/91	56 FR 65995
Effective	01/01/92	56 FR 65995
Comment Period End	02/18/92	56 FR 65995
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Undetermined

**Agency Contact:** Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room I-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4497

**RIN:** 0938-AF49

### 1255. MEDICARE AND MEDICAID PROGRAMS; ADVANCE DIRECTIVES (BPD-718-F)

**Significance:** Agency Priority**Legal Authority:** 42 USC 1395cc; 42 USC 1302

**CFR Citation:** 42 CFR 417.436; 42 CFR 417.801; 42 CFR 431.20; 42 CFR 431.107; 42 CFR 434.28; 42 CFR 483.10; 42 CFR 484.10; 42 CFR 489.10; 42 CFR 489.100; 42 CFR 489.104; 42 CFR 498.3; 42 CFR 417.472; 42 CFR 489.102

**Legal Deadline:** None

**Abstract:** The final rules will make minor changes in the interim rule which implemented statutory provisions effective in December 1991. They will amend the Medicare and Medicaid regulations governing provider agreements and contracts to establish requirements for States, hospitals, nursing facilities, skilled nursing facilities, providers of home health care or personal care services, hospice programs and prepaid health plans concerning advance directives. An advance directive is a written instruction, such as a living will or durable power of attorney for health care, recognized under State law,



relating to the provision of health care when an individual's condition makes him or her unable to express his or her wishes. The intent of these provisions is to enhance an individual's control over medical treatment decisions. These rules implement sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Comment Period	03/06/92	57 FR 8194
Public Comment Period End	05/05/92	
Final Action	11/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4607

**RIN:** 0938-AF50

**1256. DURABLE MEDICAL EQUIPMENT (DME) MEDICAL NECESSITY FORMS (BPD-734-FC)**

**Legal Authority:** 42 USC 1395m(a); 42 USC 1302

**CFR Citation:** 42 CFR 410.38

**Legal Deadline:** None

**Abstract:** Section 4152(f) of the Omnibus Budget Reconciliation Act of 1990 prohibits DME suppliers from distributing to physicians or beneficiaries any completed or partially completed forms or other documents required by the Secretary to show that a covered item is medically necessary. These regulations set forth the limitations regarding the information which a supplier of DME may provide to a physician or beneficiary.

**Timetable:**

Action	Date	FR Cite
Final Rule With Comment Period	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information: TIMETABLE:** Pending legislative activity.

**Agency Contact:** Israel Brauner, Program Analyst, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4640

**RIN:** 0938-AF51

**1257. INJECTABLES FOR OSTEOPOROSIS (BPD-735-FC)**

**Legal Authority:** 42 USC 1395x(s)(2)

**CFR Citation:** 42 CFR 410

**Legal Deadline:** None

**Abstract:** This final rule with comment period implements provisions of section 4156 of the Omnibus Budget Reconciliation Act of 1990. Under this provision, Medicare will provide limited coverage of injectable drugs for treatment of patients with postmenopausal osteoporosis. This rule will specify the conditions which a beneficiary must meet to be eligible for coverage under this provision.

**Timetable:**

Action	Date	FR Cite
Final Rule With Comment Period	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information: TIMETABLE:** Pending technical legislative amendments.

**Agency Contact:** John Thomas, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4636

**RIN:** 0938-AF52

**1258. PARTIAL HOSPITALIZATION SERVICES IN COMMUNITY MENTAL HEALTH CENTERS (BPD-736-IFC)**

**Legal Authority:** 42 USC 1395k(a)(2); 42 USC 1395x(ff)(3)

**CFR Citation:** 42 CFR 400; 42 CFR 410; 42 CFR 489; 42 CFR 498

**Legal Deadline:** None

**Abstract:** In accordance with section 4162 of the Omnibus Budget Reconciliation Act of 1990, this interim final rule sets forth the coverage criteria and payment methodology for partial hospitalization services furnished in community mental health centers. It also specifies the requirements a community mental health center must meet in order to enter into a Medicare provider agreement to furnish partial hospitalization services.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Comment Period	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Regina Walker, Program Analyst, Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4637

**RIN:** 0938-AF53

**1259. MEDICARE COVERAGE OF EPO FOR HOME USE BY HOME DIALYSIS PATIENTS (BPD-737-F)**

**Legal Authority:** 42 USC 1302; 42 USC 1395x(s)(2)(P); 42 USC 1395hh

**CFR Citation:** 42 CFR 405; 42 CFR 410; 42 CFR 413; 42 CFR 414

**Legal Deadline:** None

**Abstract:** This rule provides for Medicare coverage of the drug erythropoietin (EPO) when used at home by ESRD patients who dialyze at home. This makes it more convenient for home dialysis patients, who previously had to go to a dialysis facility or a physician's office to have the drug administered. The rule establishes requirements to ensure that only patients found capable of home use of the drug are approved for it, and that those patients are properly monitored during home use of the drug. Section 4201(d)(1)(C) of the Omnibus Budget Reconciliation Act of 1990 provides for Medicare coverage of EPO effective July 1, 1991, subject to methods and standards established by the Secretary in regulations for the sale and effective use of the drug.



HHS—HCFA

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Effective	09/04/91	56 FR 43706
Interim Final Rule With Comment	09/04/91	56 FR 43706
Public Comment Period End	11/04/91	56 FR 43706
Final Action	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Bob Cereghino, Program Analyst, Alternative Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4637

**RIN:** 0938-AF54

**1260. RECOGNITION OF THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTHCARE ORGANIZATIONS STANDARDS FOR HOME HEALTH CARE ORGANIZATIONS (BPD-740-F)**

**Significance:** Agency Priority**Legal Authority:** 42 USC 1395bb(a)**CFR Citation:** None**Legal Deadline:** None

**Abstract:** In this final notice, we would recognize the accreditation program of the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) for Home Health Agencies (HHAs) that wish to participate in the Medicare or Medicaid programs. We have found that the accreditation process of this organization provides reasonable assurance that HHAs accredited by it meet the conditions required by Federal law and regulations. As a result of this determination, HHAs accredited by JCAHO would be "deemed" to meet the Medicare conditions of participation for HHAs, and therefore would not be subject to routine inspection by State survey agencies to determine their compliance with Federal Requirements. They would, however, be subject to validation and complaint investigation surveys.

**Timetable:**

Action	Date	FR Cite
Proposed Notice	02/03/92	57 FR 4044
Comment Period End	04/03/92	57 FR 4044

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** John J. Thomas, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4623

**RIN:** 0938-AF56

**1261. CONTINUOUS USE OF DURABLE MEDICAL EQUIPMENT (BPD-742-IFC)**

**Significance:** Agency Priority**Legal Authority:** 42 USC 1395**CFR Citation:** 42 CFR 414**Legal Deadline:** Final, Judicial, July 30, 1991.

**Abstract:** Section 1834(a)(7)(A) of the Social Security Act requires that the Secretary determine the meaning of the word "continuous" as it is used in defining a period of continuous use for which we make payments for durable medical equipment. Our current policy on this issue has been in effect under manual issuances since January 1, 1989, but it has not been published as a regulation. On May 31 1991, the U.S. District Court for Puerto Rico in *Medics, Inc. et al. v. Louis Sullivan* ordered the Secretary to publish a notice and comment rulemaking document in the Federal Register that sets forth rules concerning the meaning of continuous use as it applies to the rental of durable medical equipment under Medicare. The Court also ordered publication of a final rule. This rule addresses items required by the Court order.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Comment Period	10/09/91	56 FR 50821
Effective	11/08/91	56 FR 50821
Public Comment Period End	11/22/91	56 FR 50821
Final Action	12/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Local, State

**Agency Contact:** William Long, Program Analyst, Medical Services Branch, Office of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5655

**RIN:** 0938-AF57

**1262. REPORTING REQUIREMENTS FOR FINANCIAL RELATIONSHIPS BETWEEN PHYSICIANS AND HEALTH CARE ENTITIES THAT FURNISH SELECTED ITEMS AND SERVICES (BPO-100-F)**

**Significance:** Agency Priority**Legal Authority:** 42 USC 1302; 42 USC 1395nn(f)**CFR Citation:** 42 CFR 411.1; 42 CFR 411.350; 42 CFR 411.351; 42 CFR 411.361; 42 CFR 411.363; 42 CFR 411.365**Legal Deadline:** None

**Abstract:** This rule requires clinical laboratories and certain other entities to provide HCFA with information pertaining to their financial relationship with physicians and members of a physician's immediate family as required by section 1877(f) of the Social Security Act. The statute requires that this information be submitted by October 1, 1991.

**Timetable:**

Action	Date	FR Cite
Final Rule With Comment Period	12/03/91	56 FR 61374
Public Comment Period End	02/03/92	56 FR 61374
Final Action	00/00/00	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:**

TIMETABLE: Pending analysis of public comments.

**Agency Contact:** Debra Beals, Chief, Review Branch, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 204-L, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-3356

**RIN:** 0938-AF58



**1263. DESIGNATION OF REGIONAL CARRIERS TO PROCESS CLAIMS FOR DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS AND SUPPLIES (BPO-102-F)**

**Legal Authority:** 42 USC 1395m(a); 42 USC 1302

**CFR Citation:** 42 CFR 400.202; 42 CFR 420.200; 42 CFR 420.201; 42 CFR 420.204; 42 CFR 420.205; 42 CFR 421.210; 42 CFR 421.1; 42 CFR 421.200; 42 CFR 421.202; 42 CFR 421.206

**Legal Deadline:** None

**Abstract:** This rule modifies Medicare regulations to establish provision for the designation of regional carriers to process claims for durable medical equipment, prosthetics, orthotics, and supplies. These revisions are made under authority provided in sections 1834(a)(12), 1834(h)(3), and 1842(a) of the Social Security Act. We expect more efficient and economical administration of the Medicare program to result.

**Timetable:**

Action	Date	FR Cite
NPRM	11/06/91	56 FR 47758
NPRM Comment Period End	01/06/92	56 FR 47758
Final Action With Comment Period	06/18/92	57 FR 27290
Final Action	08/00/93	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Agency Contact:** Lisanne Bradley, Program Analyst, Division of Operational Initiatives, Department of Health and Human Services, Health Care Financing Administration, Room 368 ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-3359

**RIN:** 0938-AF59

**1264. EXEMPTION OF LOW INCOME PREGNANT WOMEN FROM ELIGIBILITY CONDITION OF ESTABLISHING PATERNITY AND SEEKING SUPPORT (MB-048-FC)**

**Legal Authority:** 42 USC 1396k(a)(1)(B)

**CFR Citation:** 42 CFR 433.145; 42 CFR 433.147; 42 CFR 435.604; 42 CFR 436.604

**Legal Deadline:** None

**Abstract:** As a condition of eligibility for Medicaid, every applicant must

agree to cooperate in establishing the paternity of children born out of wedlock, and in obtaining medical payments and support. This rule modifies the regulations to incorporate a provision of section 4606 of Pub. L. 101-508, which provides an exemption to this condition for pregnant women who qualify for Medicaid under special eligibility requirements for low income pregnant women.

**Timetable:**

Action	Date	FR Cite
Final Rule With Comment Period	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

**RIN:** 0938-AF65

**1265. COMMUNITY SUPPORTED LIVING ARRANGEMENTS SERVICES (MB-049-IFC)**

**Legal Authority:** 42 USC 1396d; 42 USC 1302; 42 USC 1396u(h)(1)

**CFR Citation:** 42 CFR 441.355; 42 CFR 441.357; 42 CFR 441.359

**Legal Deadline:** Final, Statutory, October 1, 1992. Other, Statutory, July 1, 1991.

Other deadline is for an interim final rule.

**Abstract:** These rules specify minimum protection requirements that must be met in order for a State to be eligible to provide optional community supported living arrangement services to individuals with developmental disabilities as defined in section 1930(b) of the Social Security Act. These rules implement section 1930(h)(1)(B) of the Social Security Act, as added by section 4712 of the Omnibus Budget Reconciliation Act of 1990.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Comment Period	09/24/91	56 FR 48112
Comment Period End	11/25/91	56 FR 48112

Action	Date	FR Cite
Interim Final Rule Comment Period End	11/25/91	56 FR 48112
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Additional Information:**

**TIMETABLE:** Pending receipt and analysis of public comments.

**Agency Contact:** Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5659

**RIN:** 0938-AF66

**1266. MEDICAID DRUG USE REVIEW PROGRAM AND ELECTRONIC CLAIMS MANAGEMENT SYSTEM FOR OUTPATIENT DRUG CLAIMS (MB-050-IFC)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1302; 42 USC 1396r-8

**CFR Citation:** 42 CFR 456

**Legal Deadline:** None

**Abstract:** This rule implements sections 1927(g) and (h) of the Social Security Act as established by the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508). It prescribes requirements for an outpatient drug use review program that includes both prospective drug review and retrospective drug use review. It also contains requirements for State drug use review boards and requirements of a point-of-sale electronic claims management system for processing claims for outpatient drugs.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Comment Period	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Agency Contact:** Christopher Howe, Branch Chief, Systems Performance Branch, Department of Health and Human Services, Health Care Financing Administration, Room 2-J-2 ELR, 6325



HHS—HCFA

Final Rule Stage

Security Boulevard, Baltimore,  
Maryland 21207, 410 966-3276

RIN: 0938-AF67

**1267. MEDICAID: OUTSTATIONED  
INTAKE LOCATIONS FOR CERTAIN  
LOW-INCOME PREGNANT WOMEN,  
INFANTS AND CHILDREN (MB-052-  
IFC)**

**Legal Authority:** 42 USC 1396a(a)(55);  
42 USC 1302

**CFR Citation:** 42 CFR 435.901; 42 CFR  
435.902; 42 CFR 435.903; 42 CFR 435.904;  
42 CFR 435.907

**Legal Deadline:** None

**Abstract:** This rule interprets a statutory requirement that State Medicaid agencies must provide for receipt and initial processing of Medicaid applications filed by certain low-income pregnant women, infants, and children at locations which are other than those used for receipt and processing of Aid to Families with Dependent Children (AFDC) applications. The statutory requirement also provides that the application form for these individuals must not be the AFDC application form.

The rule is based on a new section 1902(a)(55) of the Social Security Act as added by section 4602 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule with Comment Period	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

RIN: 0938-AF69

**1268. HOME AND COMMUNITY-BASED  
CARE AS AN OPTIONAL SERVICE  
(MB-053-IFC)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1396d(a); 42 USC 1302

**CFR Citation:** 42 CFR 441

**Legal Deadline:** None

**Abstract:** This interim final rule would allow States to choose to provide home and community care for functionally disabled elderly as a State plan option. Rather than imposing a cost-neutrality component, as is the case in home and community based care waiver programs under section 1915 of the Social Security Act, this rule imposes two cost "caps" which are applied independently. One cap prohibits States from spending more than 50 percent of the amount Medicare would pay for certain nursing facility care, the second cap is an aggregate limit on the amount of Federal funding. This rule would implement section 4711 of the Omnibus Budget Reconciliation Act of 1990.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Comment Period	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5659

RIN: 0938-AF70

**1269. SKILLED NURSING FACILITY  
LIMITS FOR FY 1993 (BPD-743-C)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395x; 42 USC 1395yy

**CFR Citation:** 42 CFR 413.30

**Legal Deadline:** None

**Abstract:** The final notice with comment period sets forth an updated schedule of limits on skilled nursing facility (SNF) inpatient routine service costs for which payment may be made under the Medicare program. The limits will be developed using the most recent hospital wage data and SNF market basket inflation rates. It implements the requirement in section 4008(e)(2) of Pub. L. 101-508 that we provide for an

update to the per diem cost limits for SNFs for cost reporting periods "beginning on or after October 1, 1992 and every two years thereafter."

**Timetable:**

Action	Date	FR Cite
Effective	10/01/92	57 FR 46177
Notice	10/07/92	57 FR 46177
Comment Period End.	12/07/92	57 FR 46177
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tzvi Hefter, Branch Chief, Cost Control Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4595

RIN: 0938-AF77

**1270. REVIEW AND ADJUSTMENT  
TO RELATIVE VALUE UNITS IN THE  
MEDICARE PHYSICIAN FEE  
SCHEDULE FOR FY 1993 (BPD-758-N)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1395w-4

**CFR Citation:** 42 CFR 415.24

**Legal Deadline:** None

**Abstract:** On November 25, 1991, we published in the Federal Register the Fee Schedule for Physicians Services. In that final rule, which contained over 10,000 relative value units (RVUs), we indicated our intention to publish annual notices indicating adjustments to the RVUs. Because it was believed there was insufficient opportunity for the public to comment on the proposed RVUs which appeared in a proposed rule of June 5, 1991, and because many values changed after publication of the proposed rule, the values published in the final rule were considered initial values on which we accepted public comments. This final notice announces additions or revisions to the RVUs. Changes will be effective January 1, 1993.

**Timetable:**

Action	Date	FR Cite
Final Notice	10/00/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None



HHS—HCFA

Final Rule Stage

**Agency Contact:** Bernard J. Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4497

**RIN:** 0938-AF82

**1271. ● PHYSICIAN PERFORMANCE STANDARD RATES OF INCREASE FOR 1993 (BPD-759-N)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1302; 42 USC 1395w-4; 42 USC 1395hh

**CFR Citation:** None

**Legal Deadline:** Other, Statutory, October 31, 1992.

Annual Notice - Statutory Deadline 10/31/92.

**Abstract:** This notice announces the FY 1993 performance standard rates of increase for expenditures and volume of physician services as required by section 1848(f)(1)(C) of the Act. In addition, this notice announces the CY 1993 fee schedule update as required by section 1848(d)(1)(C)(i) of the Social Security Act.

**Timetable:**

Action	Date	FR Cite
Notice	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**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 Boulevard, Baltimore, Maryland 21207, 410 966-4497

**RIN:** 0938-AF83

**1272. ● APPLICATION OF INTEREST CHARGES TO MEDICARE SECONDARY PAYER RECOVERIES (BPO-108-GN)**

**Legal Authority:** 31 USC 3711; 31 USC 3717

**CFR Citation:** 42 CFR 401.601; 42 CFR 405.376; 45 CFR 30.16; 45 CFR 30.13

**Legal Deadline:** None

**Abstract:** This notice announces HCFA's intention to exercise its authority to charge interest on secondary payer payments due to

HCFA, but not submitted timely. Experience has shown that parties owing monies to HCFA are not motivated to make timely payments and require followup efforts to collect the payments. Existing regulations at 42 CFR 401.607, which authorize claims collection (including interest) and other authorities are being invoked to stimulate prompt payment.

**Timetable:**

Action	Date	FR Cite
Notice	04/00/93	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** John Albert, Program Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 3-E-5 ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7457

**RIN:** 0938-AF87

**1273. ● MEDICARE PROGRAM: PEER REVIEW ORGANIZATION; GENERAL CRITERIA AND STANDARDS FOR EVALUATING PERFORMANCE OF CONTRACT OBLIGATIONS (HSQ-200-N)**

**Legal Authority:** 42 USC 1302c-2(h)(2)

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This notice provides the general criteria and standards that will be used to evaluate the effective and efficient performance of Utilization and Quality Control Peer Review Organizations for contracts entered into on or after October 1, 1991. Section 1153(h)(2) of the Social Security Act requires that we publish these criteria and allow an opportunity for public comment.

**Timetable:**

Action	Date	FR Cite
Notice	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Diane Maupai-Harrington, Deputy Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME Building, 6325 Security

Boulevard, Baltimore, Maryland 21207, 410 966-7211

**RIN:** 0938-AF89

**1274. ● INPATIENT HOSPITAL DEDUCTIBLE AND HOSPITAL AND SKILLED NURSING FACILITY COINSURANCE AMOUNTS FOR 1993 (OACT-042-N)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395e

**CFR Citation:** None

**Legal Deadline:** Other, Statutory, September 15, 1992.

**Abstract:** This notice announces the inpatient hospital deductible for calendar year 1993 under Medicare's hospital insurance program. In addition, this notice announces both the hospital and skilled nursing facility coinsurance amounts for 1993. The Medicare statute specifies the formulae that are used to determine these amounts.

**Timetable:**

Action	Date	FR Cite
Notice	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Barbara S. Klees, Director, Division of Hospital Insurance, Department of Health and Human Services, Health Care Financing Administration, Room M-1, 1705 Whitehead Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6388

**RIN:** 0938-AF94

**1275. ● MONTHLY ACTUARIAL RATES AND MONTHLY SUPPLEMENTARY MEDICAL INSURANCE PREMIUM RATES BEGINNING JANUARY 1, 1993 (OACT-041-N)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395r

**CFR Citation:** None

**Legal Deadline:** Other, Statutory, September 30, 1992.

**Abstract:** This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Insurance (SMI) program for the 12 months beginning



HHS—HCFA

Final Rule Stage

January 1, 1993. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1993.

**Timetable:**

Action	Date	FR Cite
Notice	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Carter Warfield, Director, Division of Supplementary Medical Insurance, Department of Health and Human Services, Health Care Financing Administration, Room M-1, 1705 Whitehead Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6396

**RIN:** 0938-AF95

**1276. ● PART A PREMIUM FOR 1993 FOR THE UNINSURED AGED AND FOR CERTAIN DISABLED INDIVIDUALS WHO HAVE EXHAUSTED OTHER ENTITLEMENT (OACT-040-N)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1395i-2

**CFR Citation:** None

**Legal Deadline:** Other, Statutory, September 30, 1992.

**Abstract:** This notice announces the hospital insurance premium for calendar year 1993 under Medicare's hospital insurance program (Part A) for the uninsured aged and for certain disabled individuals who have exhausted other entitlement. The uninsured aged are those individuals who are not insured under the Social Security or Railroad Retirement Acts and do not otherwise meet the requirements for entitlement to Medicare Part A. Section 1818(d) of the Social Security Act specifies the method to be used to determine this amount.

**Timetable:**

Action	Date	FR Cite
Notice	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Barbara S. Klees, Director, Division of Hospital Insurance, Department of Health and Human

Services, Health Care Financing Administration, Room M-1, 1705 Whitehead Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6388

**RIN:** 0938-AF96

**1277. ● STATE SHARE OF FINANCIAL PARTICIPATION (MB-062-IFC)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1302; 42 USC 1396a; 42 USC 1396b

**CFR Citation:** 42 CFR 433

**Legal Deadline:** None

**Abstract:** This final rule with comment period revises the current policy concerning State's use of donations and tax revenue in determining the State share of Federal financial participation in Medicaid.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule with Comment	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Bernard Truffer, Director, Division of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 291, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4576

**RIN:** 0938-AF99

**1278. ● PAYMENT FOR PREADMISSION SERVICES (BPD-731-IFC)**

**Legal Authority:** 42 USC 1395ww(a)(4)

**CFR Citation:** 42 CFR 412.2(c); 42 CFR 413.40(c)(1)

**Legal Deadline:** None

**Abstract:** This interim final rule with comment period will formally implement section 4003 of the Omnibus Budget Reconciliation Act of 1990, entitled "Expansion of DRG Payment Window," which expands the definition of "inpatient operating cost" to include certain preadmission services. Included are services provided by a hospital (or by an entity wholly owned or operated by the hospital) to the patient during the three days immediately preceding the date of the patient's admission if

the services are diagnostic services (including clinical diagnostic laboratory tests), or are other services related to the admission (as defined by the Secretary).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule With Comment Period	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 401 East High Rise Building, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4607

**RIN:** 0938-AG00

**1279. ● PEER REVIEW ORGANIZATIONS: REVISED SCOPE OF WORK FOR 45 STATES AND TERRITORIES (HSQ-193-FN)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1302c-2

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This notice describes requirements for the review activities of Utilization and Quality Control Peer Review Organizations (PROs) under the fourth Scope of Work for 45 States and Territories (all those except Delaware, Missouri, Montana, Nebraska, New Jersey, Nevada, Oklahoma, Rhode Island, South Carolina, Washington, and Wyoming). Section 1153(h)(1) of the Social Security Act requires us to publish any new policy or procedures adopted by the Secretary that affects substantially the performance of PRO contract obligations at least 30 days before the date the policy or procedure is to be used. This notice describes changes to the PRO program and also describes both new and continuing contract requirements.

**Timetable:**

Action	Date	FR Cite
Notice	04/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State



HHS—HCFA

Final Rule Stage

**Agency Contact:** Harvey Brook, Deputy Director, Officer of Peer Review, Health Standards and Quality Bureau, Department of Health and Human Services, Health Care Financing Administration, Rm. 2-D-2, ME Bldg., 6325 Security Boulevard, Baltimore, MD 21207, 410 966-6853

**RIN:** 0938-AG09

**1280. ● LIMITATIONS ON AGGREGATE PAYMENTS TO DISPROPORTIONATE SHARE HOSPITALS: FISCAL YEAR 1993 (MB-65-N)**

**Significance:** Agency Priority

**Legal Authority:** PL 102-234, Sec 3

**CFR Citation:** None

**Legal Deadline:** Final, Statutory, September 30, 1992.

**Abstract:** This notice announces the National Fiscal Year 1993 Limit and Individual State Allotments for aggregate Medicaid payments made to hospitals that serve a disproportionate number of Medicaid recipients and low-income patients with special needs. This notice is being published in accordance with the provisions of Section 1923(f)(1)(c) of the Social Security Act. That section requires the Secretary of the Department of Health and Human Services, before the

beginning of each Fiscal Year (beginning with Fiscal Year 1993), to estimate and publish in the Federal Register the National Payment Limit, and each State's allotment within that limit, for disproportionate share hospitals payment.

**Timetable:**

Action	Date	FR Cite
Notice	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard Strauss, Program Analyst, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR Bldg., 6325 Security Boulevard, Baltimore, MD 21207, 410 966-3267

**RIN:** 0938-AG11

**1281. ● INTERMEDIARY AND CARRIER CHECKS THAT ARE LOST, STOLEN, DEFACED, MUTILATED, DESTROYED, OR PAID ON FORGED ENDORSEMENTS (BPO-114-FC)**

**Legal Authority:** 42 USC 1302

**CFR Citation:** 42 CFR 424.350; 42 CFR 424.352; 42 CFR 424.354

**Legal Deadline:** None

**Abstract:** This rule revises the Medicare regulations governing the procedures for replacing checks issued by our fiscal intermediaries and carriers that are lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsements. Since State has an established legal process for pursuing a claim for check replacement and recovery under these circumstances it is inefficient to provide duplicative Federal requirements. Our revised regulations would provide that any replacement or reclamation proceedings will be carried out in accordance with applicable State banking laws. We will continue to reissue only checks that have not been negotiated.

**Timetable:**

Action	Date	FR Cite
Final Rule With Comment Period	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Samuel Guida, Director, Division of Overpayment Prevention, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 1-E-6 Meadows East Bldg., 6325 Security Boulevard, Baltimore, MD 21207, 410 966-7495

**RIN:** 0938-AG16

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)  
Health Care Financing Administration (HCFA)**

**Completed Actions**

**1282. MEDICARE/MEDICAID REVALUATION OF ASSETS (BPD-311-F)**

**CFR Citation:** 42 CFR 413.130; 42 CFR 413.134; 42 CFR 413.153; 42 CFR 447.250; 42 CFR 447.253; 42 CFR 447.272

**Completed:**

Reason	Date	FR Cite
Final Action	09/23/92	57 FR 43906
Final Action Effective	10/23/92	57 FR 43906

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Agency Contact:** William J. Goeller, 410 966-4513

**RIN:** 0938-AB64

**1283. PAYMENT FOR SERVICES OF CERTIFIED REGISTERED NURSE ANESTHETISTS (BPD-423-F)**

**CFR Citation:** 42 CFR 405.553; 42 CFR 405.502; 42 CFR 413.80

**Completed:**

Reason	Date	FR Cite
Final Action	07/31/92	57 FR 33878
Final Action Effective	08/31/92	57 FR 33878

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Bernard Patashnik, 410 966-4497

**RIN:** 0938-AD25

**1284. MEDICAID MANAGEMENT INFORMATION SYSTEM (MMIS) PERFORMANCE REVIEW, NOTIFICATION PROCEDURES FOR CHANGES IN REQUIREMENTS, PERFORMANCE STANDARDS, AND REAPPROVAL CONDITIONS (MB-035-F)**

**CFR Citation:** 42 CFR 433.123

**Completed:**

Reason	Date	FR Cite
Final Action	08/27/92	57 FR 38778
Final Action Effective	10/26/92	57 FR 38778

**Small Entities Affected:** None

**Government Levels Affected:** State



## HHS—HCFA

## Completed Actions

**Agency Contact:** Richard Friedman, 410 966-3292

**RIN:** 0938-AE36

**1285. OFFSET OF MEDICARE PAYMENTS TO INDIVIDUALS TO COLLECT PAST DUE OBLIGATIONS ARISING FROM BREACH OF SCHOLARSHIP AND LOAN CONTRACTS (BPO-88-F)**

**CFR Citation:** 42 CFR 405.640

**Completed:**

Reason	Date	FR Cite
Final Action	05/04/92	57 FR 19089
Final Action Effective	06/03/93	57 FR 19089

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Marvin Dunkleberger, 410 966-7519

**RIN:** 0938-AE45

**1286. GRANTING AND WITHDRAWAL OF DEEMING AUTHORITY TO PRIVATE NONPROFIT ACCREDITATION ORGANIZATIONS AND OF CLIA EXEMPTION UNDER STATE LABORATORY PROGRAMS (HSQ-181-F)**

**Significance:** Regulatory Program

**CFR Citation:** 42 CFR 493

**Completed:**

Reason	Date	FR Cite
Final Action	07/31/92	57 FR 33936
Final Action Effective	08/31/92	57 FR 33936

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Agency Contact:** Irene Gibson, 410 966-6768

**RIN:** 0938-AE62

**1287. LIMIT ON PAYMENT FOR COST OF AN INTRAOCULAR LENS FURNISHED BY A HOSPITAL ON AN OUTPATIENT BASIS (BPD-649-F)**

**CFR Citation:** 42 CFR 413.30; 42 CFR 413.118

**Completed:**

Reason	Date	FR Cite
Withdrawn	07/09/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Janet Wellham, 410 966-4516

**RIN:** 0938-AE76

**1288. SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER 7/1/91 (BPD-679-NC)**

**CFR Citation:** 42 CFR 413.30

**Completed:**

Reason	Date	FR Cite
Notice With Comment Period	12/09/91	56 FR 64256

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** None

**Agency Contact:** William Goeller, 410 966-4513

**RIN:** 0938-AE78

**1289. COORDINATION OF MEDICAID WITH SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (MB-30-F)**

**CFR Citation:** 42 CFR 431.635

**Completed:**

Reason	Date	FR Cite
Final Action	06/30/92	57 FR 28100
Final Action Effective	08/24/92	57 FR 28100

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Marinos Svolos, 410 966-4451

**RIN:** 0938-AF09

**1290. UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES EFFECTIVE OCTOBER 1, 1991 AND ADDITIONS TO AND DELETIONS FROM THE CURRENT LIST OF COVERED SURGICAL PROCEDURES (BPD-710-NC)**

**Significance:** Agency Priority

**CFR Citation:** 42 CFR 416.120; 42 CFR 416.130

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/02/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Bernadette Schumaker, 410 966-4568

**RIN:** 0938-AF48

**1291. RECOGNITION OF THE COMMUNITY HEALTH ACCREDITATION PROGRAM STANDARDS FOR HOME CARE ORGANIZATIONS (BPD-739-FN)**

**Significance:** Agency Priority

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Final Action	05/29/92	57 FR 22773
Final Action Effective	08/27/92	57 FR 22773

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John J. Thomas, 410 966-4623

**RIN:** 0938-AF55

**1292. ● MEDICARE PROGRAM: CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEMS AND FISCAL YEAR 1993 RATES (BPD-756-P)**

**Legal Authority:** 42 USC 1395ww; 42 USC 1302; 42 USC 1395hh

**CFR Citation:** 42 CFR 412; 42 CFR 413

**Legal Deadline:** NPRM, Statutory, May 1, 1992. Final, Statutory, September 1, 1992.

**Abstract:** This rule will make revisions to the inpatient hospital prospective payment systems for operating costs and capital-related costs. It also will include changes in the methods, amounts and factors used to determine the prospective payment rates applicable to discharges occurring during FY 1993. In addition, the final rule sets forth the rate-of-increase limits for hospitals and hospital units excluded from the prospective payment systems.



## HHS—HCFA

## Completed Actions

## Timetable:

Action	Date	FR Cite
NPRM	06/04/92	57 FR 23618
NPRM Comment Period End	08/03/92	57 FR 23618
Final Action	09/01/92	57 FR 39746
Final Action Effective	10/01/92	57 FR 39746

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** State, Federal

**Agency Contact:** Barbara Wynn, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-1, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4529

**RIN:** 0938-AF79

**1293. ● SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1992 (BPD-757-NC)**

**Legal Authority:** 42 USC 1302; 42 USC 1395x(v)(1); 42 USC 1395hh

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This notice sets forth an updated schedule of limits on home health agency costs that may be paid under the Medicare program. This updated schedule will be applicable to cost reporting periods beginning on or after July 1, 1992.

## Timetable:

Action	Date	FR Cite
Final Action	07/01/92	57 FR 29410
Final Action Effective	07/01/92	57 FR 29410

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** None

**Agency Contact:** William Goeller, Director, Division of Payment and Reporting, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4513

**RIN:** 0938-AF80

**1294. ● UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES FOR FISCAL YEAR 1993 (BPD-760-NC)**

**Legal Authority:** 42 USC 1395l(i); 42 USC 1395k(a)(2)

**CFR Citation:** None

**Legal Deadline:** Other, Statutory, October 1, 1992.

**Deadline is for an annual notice.**

**Abstract:** This notice implements section 1833(i)(2) of the Social Security Act that requires the payment rates for ambulatory surgical center services be reviewed and updated every year.

## Timetable:

Action	Date	FR Cite
Effective Date	10/01/92	57 FR 45544
Notice	10/01/92	57 FR 45544
Comment Period End	11/30/92	57 FR 45544

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Bernadette Schumaker, Director, Division of Special Payment Programs, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4568

**RIN:** 0938-AF81

**1295. ● PAYMENT OF PEER REVIEW ORGANIZATIONS PHOTOCOPY COSTS (HSQ-199-FC)**

**Legal Authority:** 42 USC 1395cc(a)(1)(F)

**CFR Citation:** 42 CFR 466.78(b)(2)

**Legal Deadline:** None

**Abstract:** This rule amends the regulations governing Utilization and Quality Control Peer Review Organizations (PROs) to provide for payment to hospitals for the costs of furnishing photocopies of medical records of Medicare beneficiaries to PROs. Currently, regulations provide that when PRO review is conducted offsite, the hospital must photocopy and deliver to the PRO, without charge, all required information within 30 days of the request. This rule is needed to accommodate the increased costs that hospitals incur as a result of offsite

review that are not already paid under the Medicare program.

## Timetable:

Action	Date	FR Cite
Final Action	10/20/92	57 FR 47779
Final Action Effective	11/19/92	57 FR 47779

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Sandy Kappert, Acting Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-3, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6853

**RIN:** 0938-AF88

**1296. ● TARGETING INFORMATION FOR INCOME AND ELIGIBILITY VERIFICATION SYSTEMS (MB-056-F)**

**Legal Authority:** 42 USC 1302

**CFR Citation:** 42 CFR 435.945

**Legal Deadline:** None

**Abstract:** This final rule responds to comments received on an interim rule with comment period that implemented various provisions for States to follow in operating their income and eligibility verification systems (IEVS). This final rule revises the previous rule by eliminating the requirement that State Medicaid agencies retain a record of all information items received through the IEVS.

## Timetable:

Action	Date	FR Cite
Final Action	10/07/92	57 FR 46093
Final Action Effective	11/06/92	57 FR 46093

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Helaine Jeffers, Chief, Medicaid Operations Branch, Department of Health and Human Services, Health Care Financing Administration, 273 East High Rise Building, 6325 Security Boulevard, Baltimore, MD 21207, 301 966-5920

**RIN:** 0938-AG01



**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**  
**Administration for Children and Families (ACF)**

Proposed Rule Stage

**1297. 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; PL 100-485, Sec 303(e)

**CFR Citation:** 42 CFR 435; 42 CFR 436; 45 CFR 233

**Legal Deadline:** None

**Abstract:** This NPRM, 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 in whole or part 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 of a payment under \$10, the recoupment of an overpayment, or because the payment is determined to be zero as a result of rounding.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
Final Action	04/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Plaza Promenade SW., Washington, DC 20447, 202 401-9289

**RIN:** 0970-AA07

**1298. REVISIONS TO AUDIT REGULATIONS AS A RESULT OF THE CHILD SUPPORT PROVISIONS OF THE FAMILY SUPPORT ACT OF 1988**

**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 301; 45 CFR 305

**Legal Deadline:** None

**Abstract:** This regulation revises existing audit procedures as a result of changes to program regulations to implement the child support provisions of the Family Support Act of 1988. These changes establish timeframes and standards for providing child support enforcement services, and require use of guidelines to establish support orders among other things. Audit regulations are being revised for consistency with new program requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	11/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Lourdes Henry, Program Specialist, Policy and Planning Div, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-5440

**RIN:** 0970-AA74

**1299. CHILD SUPPORT RELATED CHANGES TO THE AFDC PROGRAM**

**Legal Authority:** 42 USC 602(g); 42 USC 602(a)(26); 42 USC 602(a)(44); 42 USC 602(a)(11); 42 USC 603; 42 USC 1302

**CFR Citation:** 45 CFR 232; 45 CFR 235; 45 CFR 256

**Legal Deadline:** None

**Abstract:** This regulation will: (1) Establish minimum sanction timeframes for failure to cooperate in establishing paternity and obtaining child support; (2) deny transitional child care (TCC) benefits to a family when the caretaker relative fails to cooperate with the State in establishing and enforcing child support obligations and extend the good cause exemption to include TCC recipients; and (3) require the State IV-A agency to promptly provide information to the State IV-D agency for any child born out-of-wedlock for whom paternity has not been established.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	
Final Action	06/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9289

**RIN:** 0970-AA96

**1300. FOSTER CARE, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 627

**CFR Citation:** 45 CFR 1355; 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. 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	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Additional Information:** This action was previously reported under RIN 0980-AA08.

**Agency Contact:** Daniel H. Lewis, Acting Associate Commissioner, Admin. for Children, Youth, and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0347

**RIN:** 0970-AA97



HHS—ACF

Proposed Rule Stage

**1301. REQUIREMENTS APPLICABLE TO TITLE IV-E FOSTER CARE AND TITLE IV-B CHILD WELFARE SERVICES****Legal Authority:** 42 USC 670 et seq; 42 USC 620 et seq**CFR Citation:** 45 CFR 1356; 45 CFR 1357**Legal Deadline:** None

**Abstract:** The Department plans to issue a Notice of Proposed Rulemaking regarding: (1) regulatory changes related to the judicial determination requirement for reasonable efforts to prevent removal and to reunify the foster child with his parents; (2) a limitation on the documentation used to verify title IV-E eligibility and State compliance with section 427 of the Social Security Act; and (3) a regulatory change from current policy regarding what constitutes a child's home/foster home for the purpose of title IV-E eligibility which will provide for equitable treatment of relative and non-relative foster care providers.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	

**Small Entities Affected:** None**Government Levels Affected:** State**Additional Information:** This action was previously reported under RIN 0980-AA44.

**Agency Contact:** Daniel H. Lewis, Acting Associate Commissioner, Admin. for Children, Youth and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0618

**RIN:** 0970-AB07**1302. TITLE IV-E ADMINISTRATIVE COSTS****Significance:** Agency Priority**Legal Authority:** 42 USC 670**CFR Citation:** 45 CFR 1356**Legal Deadline:** None

**Abstract:** This NPRM will propose uniform definitions and new requirements States must meet in claiming reimbursement for administrative costs under the foster care and adoption assistance programs (title IV-E of the Social Security Act).

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	

**Small Entities Affected:** None**Government Levels Affected:** State**Additional Information:** This action was previously reported under RIN 0980-AA47.

**Agency Contact:** Daniel H. Lewis, Acting Associate Commissioner for Children, Youth and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0618

**RIN:** 0970-AB10**1303. AMENDMENTS TO DEVELOPMENTAL DISABILITIES RULES****Legal Authority:** 42 USC 6000 et seq**CFR Citation:** 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388**Legal Deadline:** Final, Statutory, April 29, 1991.

**Abstract:** This NPRM will propose to update current rules with clarifications and new requirements to implement recent changes in the Developmental Disabilities Assistance and Bill of Rights Act (Pub. L. 101-496).

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** None**Government Levels Affected:** State**Additional Information:** This action was previously reported under RIN 0980-AA48.

**Agency Contact:** Will Wolstein, Deputy Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, Administration for Children and Families, 200 Independence Avenue, SW., Room 329D, Washington, DC 20201, 202 245-2904

**RIN:** 0970-AB11**1304. ● INCOME AND ELIGIBILITY VERIFICATION SYSTEM****Significance:** Regulatory Program**Legal Authority:** 42 USC 1320**CFR Citation:** 45 CFR 205**Legal Deadline:** None

**Abstract:** This rule modification will give States additional flexibility in the use of automated data matches for verification of applicant and recipient eligibility for AFDC.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
Final Action	02/00/94	

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Mack A. Storrs, Director, AFDC Program, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9290

**RIN:** 0970-AB13**1305. ● BLOCK GRANT PROGRAMS (LOW INCOME HOME ENERGY ASSISTANCE PROGRAM - LIHEAP)—FY 93 AND FY 94 PROVISIONS****Legal Authority:** 42 USC 8621 et seq**CFR Citation:** 45 CFR 96**Legal Deadline:** None

**Abstract:** This notice of proposed rulemaking will amend the HHS block grant regulations to implement changes to the Low Income Home Energy Assistance Program (LIHEAP) statute which were made by the Augustus F. Hawkins Human Services Reauthorization Act (HSRA) of 1990 (Pub. L. 101-501) and which will affect grantee administration of the LIHEAP program in fiscal years 1993 and 1994. The major changes effective FY 93 and FY 94 are: -- Providing funding for the LIHEAP program on a new program year basis of July 1 - June 30 (forward funding) -- Ending of authority to transfer LIHEAP funds to other block grant programs.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/93	
Final Action	05/00/94	

**Small Entities Affected:** None**Government Levels Affected:** State

**Agency Contact:** Janet M. Fox, Director, Division of Energy Assistance, Office of Community Services, Department of Health and Human



HHS—ACF

Proposed Rule Stage

Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9351

RIN: 0970-AB16

### 1306. ● ADMINISTRATIVE WAIVER PROCESS

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1302

**CFR Citation:** 45 CFR 205

**Legal Deadline:** None

**Abstract:** Would provide for an administrative waiver process whereby certain specific regulatory provisions may be waived to provide States additional operational flexibility. This would enable States to focus their limited resources on initiatives that will: (1) eliminate administrative and procedural barriers to efficient program administration; (2) promote compatibility with other welfare-related programs in the application of certain eligibility requirements; (3) encourage coordination with other State and community-based programs that provide the AFDC population with preventative health care or other related services designed to preserve or improve family stability; and, (4) assist in the development and maintenance of State or local provisions to assist needy families in their effort to reduce welfare dependency and achieve self-sufficiency.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	11/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Mr. Mack A. Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9289

RIN: 0970-AB17

### 1307. ● INFORMATION AND TECHNICAL ASSISTANCE CENTERS FOR SERVICES TO VICTIMS OF DOMESTIC VIOLENCE

**Legal Authority:** 42 USC 10407; 42 USC 10412

**CFR Citation:** 45 CFR 1310

**Legal Deadline:** NPRM, Statutory, August 26, 1992. Final, Statutory, September 25, 1992.

**Abstract:** Would implement section 308 of the Family Violence Prevention and Services Act providing grants for resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to domestic violence programs and to other professionals who provide services to victims of domestic violence.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Ms. Jackie Lemire, Director, Division of State Assistance, Office of Community Services, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9342

RIN: 0970-AB18

### 1308. ● GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS

**Legal Authority:** 42 USC 10410

**CFR Citation:** 45 CFR 1310

**Legal Deadline:** NPRM, Statutory, August 26, 1992. Final, Statutory, September 25, 1992.

**Abstract:** Would implement Section 311 of the Family Violence Prevention and Services Act providing grants for the funding of State domestic violence coalitions.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Ms. Jackie Lemire, Director, Division of State Assistance, Office of Community Services, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade

SW., Washington, DC 20447, 202 401-9342

RIN: 0970-AB19

### 1309. ● PUBLIC INFORMATION CAMPAIGN GRANTS

**Legal Authority:** 42 USC 10412; 42 USC 10414

**CFR Citation:** 45 CFR 1310

**Legal Deadline:** NPRM, Statutory, August 26, 1992. Final, Statutory, September 25, 1992.

**Abstract:** Would implement Section 314 of the Family Violence Prevention and Services Act allowing grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Ms. Jackie Lemire, Director, Division of State Assistance, Office of Community Services, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9342

RIN: 0970-AB20

### 1310. ● FAMILY VIOLENCE PROTECTION AND SERVICES GRANTS

**Legal Authority:** 42 USC 10402; 42 USC 10412

**CFR Citation:** 45 CFR 1310

**Legal Deadline:** NPRM, Statutory, August 26, 1992. Final, Statutory, September 25, 1992.

**Abstract:** Would implement Section 303 of the Family Violence Prevention and Services Act providing the Secretary of Health and Human Services authority to make grants to States and Indian Tribes to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents.



HHS—ACF

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Ms. Jackie Lemire, Director, Division of State Assistance, Office of Community Services, Department of Health and Human

Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9342

**RIN:** 0970-AB21

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

**Final Rule Stage**

**Administration for Children and Families (ACF)**

**1311. DISREGARDS OF INCOME AND RESOURCES**

**Legal Authority:** PL 100-50; PL 100-707; PL 100-383; PL 101-201; PL 101-239

**CFR Citation:** 45 CFR 233.20(a)(4)

**Legal Deadline:** None

**Abstract:** Would add the following income and resource disregards to the regulations: (1) Disregard of Bona Fide Loans; (2) Disregard of Student Financial Assistance under title IV of the Higher Education Act or under Bureau of Indian Affairs Student Assistance Programs that is made available for attendance costs; (3) Disregard of Compensation to individuals of Japanese ancestry, and residents of the Aleutian and Pribilof Islands who were interned during World War II; (4) Disregard of Federal major disaster and emergency assistance under the Disaster Relief Act, as amended; and (5) Disregard of Agent Orange Payments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/15/91	56 FR 32152
NPRM Comment	09/13/91	
Period End		
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Plaza Promenade SW., Washington, DC 20447, 202 401-9289

**RIN:** 0970-AA70

**CFR Citation:** 45 CFR 304.23

**Legal Deadline:** None

**Abstract:** This regulation will clarify that Federal funding of guardian ad litem fees in child support cases is prohibited.

**Timetable:**

Action	Date	FR Cite
NPRM	06/17/91	56 FR 27723
NPRM Comment	08/17/91	
Period End		
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Marilyn R. Cohen, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-5366

**RIN:** 0970-AA86

**1313. TIMEFRAMES FOR PAYING SUPPORT COLLECTIONS TO AFDC FAMILIES**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 652(i)

**CFR Citation:** 45 CFR 232.20; 45 CFR 302.32

**Legal Deadline:** None

**Abstract:** This proposed rule revises the timeframes for distributing the child support collections to families receiving Aid to Families with Dependent Children (AFDC) and certain collections in title IV-E foster care cases contained in 45 CFR 302.32(f).

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/91	56 FR 42581
NPRM Comment	10/28/91	
Period End		
Final Action	10/00/92	

**1312. PROHIBITION OF FEDERAL FUNDING OF GUARDIAN AD LITEM FEES**

**Legal Authority:** 42 USC 1302

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Lourdes Henry, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-5440

**RIN:** 0970-AA87

**1314. SAFEGUARDING INFORMATION; FEDERAL INCOME TAX REFUND OFFSET**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 664

**CFR Citation:** 45 CFR 301.1; 45 CFR 303.21; 45 CFR 303.72

**Legal Deadline:** None

**Abstract:** This regulation implements section 5011 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508), extending the Federal Income Tax Refund Offset process for non-AFDC families in three ways: 1) by making the provision permanent in the statute; 2) by clarifying that spousal support in the same order may be collected; and, 3) by allowing collection of support for certain adult disabled children. In addition, this proposed rule would permit the disclosure of information to the appropriate agency with respect to known or suspected instances of child abuse.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/91	56 FR 58205
NPRM Comment	01/18/92	
Period End		
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal



HHS—ACF

Final Rule Stage

**Agency Contact:** Susan Notar, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-4606

**RIN:** 0970-AA88

### 1315. REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 666

**CFR Citation:** 45 CFR 302.70; 45 CFR 303.7; 45 CFR 303.8

**Legal Deadline:** None

**Abstract:** This regulation implements certain provisions of the Family Support Act of 1988 (Pub. L. 100-485). It requires States to review child support orders in IV-D cases beginning October 13, 1993, at least every 36 months, and adjust, as appropriate, child support orders in accordance with child support guidelines.

#### Timetable:

Action	Date	FR Cite
NPRM	08/15/90	55 FR 33414
NPRM Comment Period End	10/15/90	
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Marianne C. Upton, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-5373

**RIN:** 0970-AA91

### 1316. ESSENTIAL PERSONS

**Legal Authority:** 42 USC 402(a)(7)

**CFR Citation:** 45 CFR 233.20(a)(2)(vi)

**Legal Deadline:** None

**Abstract:** The final rule rescinds the current regulation on essential persons which restricts the categories of individuals who may be considered in the State plan as essential persons and replaces the current regulation with an earlier version which restores the authority of states to make this determination.

#### Timetable:

Action	Date	FR Cite
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9289

**RIN:** 0970-AA93

### 1317. REQUIRE RECOUPMENT OF OVERPAYMENTS FROM CURRENT RECIPIENTS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 602; 42 USC 606; 42 USC 607

**CFR Citation:** 45 CFR 233.20

**Legal Deadline:** None

**Abstract:** 1) Requires States to use recoupment (grant reduction) to collect outstanding overpayments from current recipients; 2) permits States to recoup above the 10% recoupment limit upon recipients' written request; and 3) shortens the time period for States to initiate a specific recovery action. These actions would provide for prompt recovery of AFDC overpayments and increase overpayment collections, thereby enhancing the fiscal integrity of the AFDC program.

#### Timetable:

Action	Date	FR Cite
NPRM	08/12/91	56 FR 38094
NPRM Comment Period End	10/11/91	
Final Action	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Mack Storrs, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9289

**RIN:** 0970-AA94

### 1318. HEAD START STAFF AND PROGRAM OPTIONS REQUIREMENTS

**Significance:** Agency Priority

**Legal Authority:** 42 USC 9801 et seq

**CFR Citation:** 45 CFR 1304; 45 CFR 1306

**Legal Deadline:** None

**Abstract:** The final rule will amend existing regulations related to program design to specify class size, hours of operation, and program options such as center-based and home-based Head Start services. The final rule will also include, in a new Part, the requirements for home-based Head Start services.

#### Timetable:

Action	Date	FR Cite
NPRM	12/08/88	53 FR 49565
NPRM Comment Period End	02/21/89	
Final Action	11/00/92	

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Additional Information:** This action was previously reported under RIN 0980-AA18.

**Agency Contact:** Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0569

**RIN:** 0970-AA99

### 1319. HEAD START APPEALS PROCESS

**Legal Authority:** 42 USC 9801 et seq

**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 and reduce costs.

#### Timetable:

Action	Date	FR Cite
NPRM	01/29/92	57 FR 3394
NPRM Comment Period End	03/30/92	
Final Action	11/00/92	

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Additional Information:** This action was previously reported under RIN 0980-AA20.

**Agency Contact:** Douglas Klafehn, Deputy Associate Commissioner, Head



HHS—ACF

Final Rule Stage

Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0569  
**RIN: 0970-AB00**

**1320. HEAD START PERFORMANCE STANDARDS FOR SERVICES TO CHILDREN WITH DISABILITIES**

**Significance:** Agency Priority  
**Legal Authority:** 42 USC 9801 et seq  
**CFR Citation:** 45 CFR 1304; 45 CFR 1305; 45 CFR 1308

**Legal Deadline:** None  
**Abstract:** The final rule will establish a new part 1308 setting forth performance standards that must be used in providing Head Start services to children with disabilities.

**Timetable:**

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41088
NPRM Comment	01/19/89	53 FR 47235
Period End		
Final Action	11/00/92	

**Small Entities Affected:** Organizations  
**Government Levels Affected:** None  
**Additional Information:** This action was previously reported under RIN 0980-AA21.

**Agency Contact:** Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0569  
**RIN: 0970-AB01**

**1321. HEAD START PERFORMANCE STANDARDS FOR INFANTS, TODDLERS, AND PREGNANT WOMEN**

**Significance:** Agency Priority  
**Legal Authority:** 42 USC 9801 et seq  
**CFR Citation:** 45 CFR 1307  
**Legal Deadline:** None

**Abstract:** The final rule will establish a new part 1307 setting forth performance standards that must be used in providing Head Start services to infants, toddlers and pregnant women.

**Timetable:**

Action	Date	FR Cite
NPRM	06/19/90	55 FR 24899
NPRM Comment	08/20/90	55 FR 24899
Period End		
Final Action	06/00/93	

**Small Entities Affected:** Organizations  
**Government Levels Affected:** None

**Additional Information:** This action was previously reported under RIN 0980-AA33.  
**Agency Contact:** Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0569  
**RIN: 0970-AB04**

**1322. ADOPTION AND FOSTER CARE INFORMATION**

**Significance:** Regulatory Program  
**Legal Authority:** 42 USC 679  
**CFR Citation:** 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

**Legal Deadline:** Final, Statutory, December 31, 1988.  
**Abstract:** Section 479 of the Social Security Act requires the Secretary to publish regulations to collect data relating to foster care and adoption in the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	09/27/90	55 FR 39540
NPRM Comment	12/26/90	55 FR 39540
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** State  
**Additional Information:** This action was previously reported under RIN 0980-AA35.

**Agency Contact:** Daniel H. Lewis, Acting Associate Commissioner for Children, Youth and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0618  
**RIN: 0970-AB05**

**1323. SOCIAL SERVICES BLOCK GRANT INFORMATION COLLECTION**

**Legal Authority:** 42 USC 1397 to 1397e

**CFR Citation:** 45 CFR 96  
**Legal Deadline:** None  
**Abstract:** The final rule will specify procedures and uniform definitions of services for use by States in preparing their annual reports to the Secretary.

**Timetable:**

Action	Date	FR Cite
NPRM	04/05/90	55 FR 12678
NPRM Comment	06/04/90	55 FR 12678
Period End		
Final Action	04/00/93	

**Small Entities Affected:** Governmental Jurisdictions, Organizations  
**Government Levels Affected:** State  
**Additional Information:** This action was previously reported under RIN 0980-AA42.

**Agency Contact:** Bryant Tudor, Department of Health and Human Services, Administration for Children and Families, 200 Independence Avenue, SW., Room 326-F, Washington, DC 20201, 202 245-2874  
**RIN: 0970-AB06**

**1324. NONRECURRING EXPENSES OF ADOPTION-TECHNICAL AMENDMENT**

**Legal Authority:** 42 USC 670  
**CFR Citation:** 45 CFR 1356  
**Legal Deadline:** None

**Abstract:** A technical amendment will delete unnecessary procedural restrictions and deadlines while retaining statutory requirements.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/93	

**Small Entities Affected:** None  
**Government Levels Affected:** State  
**Additional Information:** This action was previously reported under RIN 0980-AA46.

**Agency Contact:** Daniel H. Lewis, Acting Associate Commissioner for Children, Youth and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 245-0618  
**RIN: 0970-AB09**



HHS—ACF

Final Rule Stage

**1325. ● TECHNICAL CHANGES TO THE AFDC PROGRAM AS REQUIRED BY OBRA 90****Legal Authority:** 42 USC 602**CFR Citation:** 45 CFR 205; 45 CFR 233**Legal Deadline:** None**Abstract:** These interim final rules implement three minor technical changes to the AFDC program as required by the new statutory provisions of both the Social Security Act and OBRA 90.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/00/93	
Final Action	06/00/94	

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal.**Agency Contact:** Mack A. Storrs, Director, Division of AFDC Program, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade

SW., Washington, DC 20447, 202 401-9289

**RIN:** 0970-AB14**1326. ● BLOCK GRANT PROGRAMS (LOW INCOME HOME ENERGY ASSISTANCE PROGRAM - LIHEAP) FY 91 AND FY 92 PROVISIONS****Legal Authority:** 42 USC 8621 et seq**CFR Citation:** 45 CFR 96**Legal Deadline:** None**Abstract:** This interim final rule with request for comments amends the Department's regulations governing the administration of block grant programs; this rule applies specifically to the Low-Income Home Energy Assistance Program (LIHEAP). The rule implements changes to the LIHEAP statute which were made by the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. 101-501) and which affect grantee administration of the LIHEAP program in fiscal years 1991 and 1992. These changes involve the Department's response to formal

complaints, a reduction in the percent of LIHEAP funds that grantees may carry forward from one fiscal year to the next, waiver authority to increase the percent of LIHEAP funds that grantees may use for weatherization from 15% to 25%, a requirement for additional outreach and intake services under certain circumstances, and a new leveraging incentive program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/16/92	57 FR 1960
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** State**Agency Contact:** Janet M. Fox, Director, Division of Energy Assistance, Office of Community Services, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9351**RIN:** 0970-AB15**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

Completed Actions

**Administration for Children and Families (ACF)****1327. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984****Significance:** Agency Priority**CFR Citation:** 45 CFR 233.36; 45 CFR 237.50; 45 CFR 233.10; 45 CFR 233.90; 45 CFR 232.20; 45 CFR 233.35**Completed:**

Reason	Date	FR Cite
Final Action	07/06/92	57 FR 30132

**Small Entities Affected:** None**Government Levels Affected:** State, Federal**Agency Contact:** Mack Storrs, 202 401-9289**RIN:** 0970-AA06**CFR Citation:** 45 CFR 302.54; 45 CFR 302.70; 45 CFR 303.4; 45 CFR 303.8; 45 CFR 303.100**Completed:**

Reason	Date	FR Cite
Final Action	07/10/92	57 FR 30658

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal**Agency Contact:** Craig Hathaway, 202 401-5367**RIN:** 0970-AA63**1329. RELATED AFDC AMENDMENTS UNDER THE FAMILY SUPPORT ACT OF 1988****CFR Citation:** 45 CFR 201.1(g); 45 CFR 232.2; 45 CFR 233.20(a)(3)(xiii); 45 CFR 233.20(a)(6)(xi); 45 CFR 233.100**Completed:**

Reason	Date	FR Cite
Final Action	07/09/92	57 FR 30407

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal**Agency Contact:** Mack Storrs, 202 401-9289**RIN:** 0970-AA69**1330. FEES FOR USE OF THE FEDERAL PARENT LOCATOR SERVICE IN NON-AFDC CASES****Significance:** Agency Priority**CFR Citation:** 45 CFR 303.70**Completed:**

Reason	Date	FR Cite
Final Action	06/24/92	57 FR 28103

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal**Agency Contact:** Andrew J. Hagan, 202 401-5375**RIN:** 0970-AA78**1328. IMMEDIATE WAGE WITHHOLDING, REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS, AND MONTHLY NOTICE OF SUPPORT COLLECTIONS****Significance:** Agency Priority



HHS—ACF

Completed Actions

**1331. MANDATORY AUTOMATED CHILD SUPPORT ENFORCEMENT SYSTEMS**

Significance: Agency Priority

CFR Citation: 45 CFR 307

**Completed:**

Reason	Date	FR Cite
Final Action	10/14/92	57 FR 46988

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Rosalie Ryan, 202 401-9364

RIN: 0970-AA80

**1332. IMPLEMENTATION OF QUALITY CONTROL PROVISIONS OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1989**

CFR Citation: 45 CFR 205.40; 45 CFR 205.41; 45 CFR 205.42; 45 CFR 205.43; 45 CFR 205.44

**Completed:**

Reason	Date	FR Cite
Final Action	10/13/92	57 FR 46782

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sean Hurley, 202 401-9296

RIN: 0970-AA82

**1333. AT-RISK CHILD CARE**

Significance: Regulatory Program

CFR Citation: 45 CFR 255.4; 45 CFR 257

**Completed:**

Reason	Date	FR Cite
Final Action	08/04/92	57 FR 34434

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Mary Ann Higgins, 202 401-9294

RIN: 0970-AA90

**1334. CHILD CARE AND DEVELOPMENT BLOCK GRANT**

Significance: Regulatory Program

CFR Citation: 45 CFR 98; 45 CFR 99

**Completed:**

Reason	Date	FR Cite
Final Action	08/04/92	57 FR 34352

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Mark Ragan, 202 401-9326

RIN: 0970-AA92

**1335. EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM**

CFR Citation: 45 CFR 1080

**Completed:**

Reason	Date	FR Cite
Final Rule With Comment Period	06/23/92	57 FR 27943

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Joseph R. Carroll, 202 401-9354

RIN: 0970-AA95

**1336. HEAD START CRITERIA FOR SELECTION OF NEW GRANTEEES**

Significance: Agency Priority

CFR Citation: 45 CFR 1302

**Completed:**

Reason	Date	FR Cite
Final Action	09/14/92	57 FR 41886

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Douglas Klafehn, 202 245-0569

RIN: 0970-AA98

**1337. HEAD START RECRUITMENT, SELECTION, AND ENROLLMENT OF CHILDREN**

Significance: Agency Priority

CFR Citation: 45 CFR 1305-

**Completed:**

Reason	Date	FR Cite
Final Action	10/09/92	57 FR 46718

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Douglas Klafehn, 202 245-0569

RIN: 0970-AB02

**1338. HEAD START GRANTS ADMINISTRATION**

CFR Citation: 45 CFR 1301

**Completed:**

Reason	Date	FR Cite
Final Action	09/14/92	57 FR 41881

Small Entities Affected: Organizations

Government Levels Affected: None

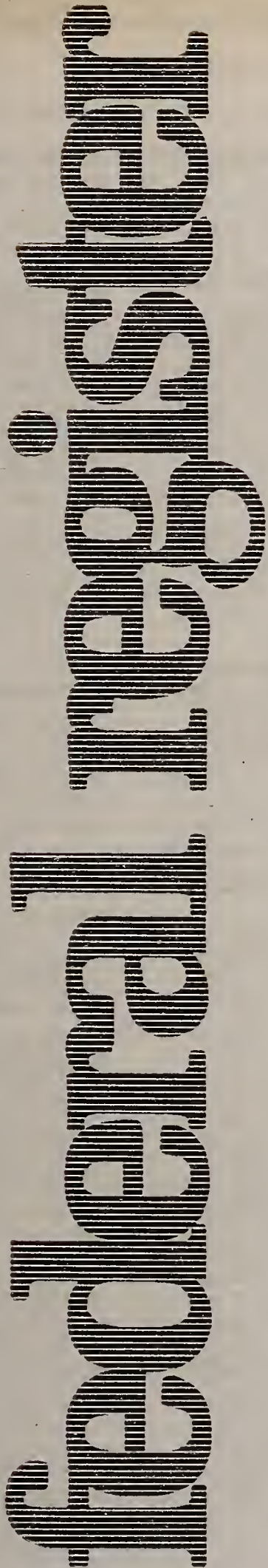
Agency Contact: Douglas Klafehn, 202 245-0569

RIN: 0970-AB03

[FR Doc. 92-22388 Filed 11-02-92; 8:45 am]

BILLING CODE 4150-04-F





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Tuesday  
November 3, 1992

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**Part IX**

**Department of  
Housing and Urban  
Development**

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**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-92-3493; FR-3304-N-01]

**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) 708-3055. (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 permits incorporation of the agenda required 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 coordination in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking action, 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, Housing 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 after transmittal of the agenda. If, within that period, either committee notifies the Secretary that it intends to review any rule or regulation 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 before it is published for comment. The semiannual agenda published today 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) publication 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; Government National Mortgage Association; and Office of Administration.

Dated: August 25, 1992.

Frank Keating,

General Counsel.

**Office of the Secretary—Proposed Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
1339	00 CFR Not yet determined National Homeownership Trust Demonstration Program (S-13-91; FR-3032).....	2501-AB15
1340	00 CFR Not yet determined Preference for Native Hawaiians on Hawaiian Homelands Under Certain HUD Programs (S-26-91; FR-3127).....	2501-AB31
1341	24 CFR 1 Deferral of Funding under Section 504 and Title VI Regulations (S-10-90; FR-2825).....	2501-AB17



HUD

## Office of the Secretary—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
1342	24 CFR 6 Nondiscrimination in Programs and Activities Receiving Assistance Under Title I of the HCD Act of 1974 (S-28-91; FR-3079).....	2501-AB32
1343	24 CFR 10 Rulemaking Policies and Procedures—Expediting Rulemaking and Policy Implementation (FR-3292).....	2501-AB43
1344	24 CFR 24 Government Debarment and Suspension and Governmentwide Requirements for a Drug-Free Workplace (S-18-91; FR-3065).....	2501-AB24
1345	24 CFR 35 Lead-Based Paint Poisoning Prevention in Certain Residential Structures (S-27-91; FR-3061).....	2501-AB23
1346	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85; FR-2206).....	2501-AA30
1347	24 CFR 58 Environmental Review Procedures for State & Local Governments under HUD Programs (S-6-84; FR-1965).....	2501-AA25
1348	24 CFR 59 Protection of Historic Properties (S-5-92; FR-3315).....	2501-AB44
1349	24 CFR 95 Nepotism Restrictions Applicable to HUD Grantees (S-19-91; FR-3075).....	2501-AB29
1350	24 CFR 882.219 Preference Rules (S-32-91; FR-3122).....	2501-AB35
1351	24 CFR 920 HUD Prevailing Wage Rate Requirements for Maintenance and Technical Employees Working on PIH Developments (P-10-88; FR-2211).....	2501-AB38
1352	24 CFR 965.701 Lead-Based Paint Poisoning Prevention in Certain Residential Structures (S-8-92; FR-3325).....	2501-AB48

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Se- quence Number	Title	Regulation Identifier Number
1353	00 CFR Not yet determined HOPE for Elderly Independence Program - Program Guidelines (S-7-91; FR-2957).....	2501-AB05
1354	00 CFR Not yet determined HOPE for Multifamily Housing (HOPE 2) (S-5-91; FR-2967).....	2501-AB08
1355	00 CFR Not yet determined HOPE for Single Family Homes (HOPE 3) (S-6-91; FR-2968).....	2501-AB09
1356	00 CFR Not yet determined HOPE for Public and Indian Housing Homeownership (HOPE 1) S-3-91; FR-2966).....	2501-AB10
1357	24 CFR 4 Prohibition of Advance Disclosure of Funding Decision (S-9-90; FR-2805).....	2501-AB02
1358	24 CFR 9.101 Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by HUD (S-9-91; FR-2163).....	2501-AB04
1359	24 CFR 15.86 Relaxation of HUD Regulatory Requirements; Conforming Changes (S-7-92; FR-3221).....	2501-AB40
1360	24 CFR 15 Freedom of Information Reform Act of 1986; Revision of Law Enforcement Exemption (S-9-92; FR-3282).....	2501-AB47
1361	24 CFR 17 Administrative Claims - Disallowed Costs Provisions (S-11-90; FR-2861).....	2501-AA97
1362	24 CFR 45 Implementation of OMB Circular A-133, "Audit of Institutions of Higher Education and Other Nonprofit Institutions" (S-8-91; FR-2594).....	2501-AB19
1363	24 CFR 50.1 Changes in HUD Systems for Approval of Subdivisions (S-22-91; FR-3095).....	2501-AB25
1364	24 CFR 50 Environmental Policy for the HOPE Grant Programs (S-1-92; FR-3214).....	2501-AB36
1365	24 CFR 55 Procedure for Floodplain Management and the Protection of Wetlands; Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865).....	2501-AA23
1366	24 CFR 70 Davis-Bacon Volunteers (Sec. 955) (S-30-91; FR-2995).....	2501-AB33
1367	24 CFR 81 Regs Implementing the Authority of the Secretary of DHUD Over the Conduct of the Secondary Market Operations of the FNMA & the FHLMC (S-13-90; FR-2895).....	2501-AA99
1368	24 CFR 87 Prohibition on Use of Federal Funds for Lobbying; Requirements for Disclosure Statements (S-1-90; FR-2719).....	2501-AA92
1369	24 CFR 92 HOME Investment in Affordable Housing Program (S-16-91; FR-2937).....	2501-AB12
1370	24 CFR 92 Eligibility of Insular Areas for the HOME Programs (S-12-92; 2; FR-3242).....	2501-AB42
1371	24 CFR 92 Amendment of HOME Investment Partnerships Program (S-6-92; FR-3317).....	2501-AB45
1372	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (S-7-87; FR-2383 (formerly FR-1588)).....	2501-AA63
1373	24 CFR 203 HOPE Grant Programs; Interim Regulations Related to the HOPE Programs (S-4-91; FR-2965).....	2501-AB06
1374	24 CFR 203.1-9 Mortgagee Approval Reform and Direct Endorsement Expansion (S-17-91; FR-2854).....	2501-AB16
1375	24 CFR 215 Exclusion from Income of Earned Income Tax Credit (S-12-91; FR-3025).....	2501-AB20
1376	24 CFR 248 Prepayment of a HUD-Insured Mortgage by an Owner of Low-Income Housing (S-10-91; FR-2978).....	2501-AB14
1377	24 CFR 580 Housing Opportunities for Persons with AIDS (S-11-92; FR-3178).....	2501-AB41
1378	24 CFR 582 Shelter Plus Care Program (S-13-91; FR-2877).....	2501-AB11
1379	24 CFR 700 Revised Congregate Program (Sec. 802) (S-31-91; FR-2990).....	2501-AB34
1380	24 CFR 800 Determination of Areas of Undue Concentration of Poverty-Level Population; and Conforming Amendments (S-2-92; FR-3256).....	2501-AB37
1381	24 CFR 941 Lead-Based Paint Poisoning Prevention Act—Stewart B. McKinney Homeless Assistance Amendments of 1988—Section 1088 (S-10-92; FR-2583).....	2501-AB46



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1382	24 CFR 0 Standards of Conduct (S-1-91; FR-2911) .....	2501-AB18
1383	24 CFR 10.1 Rulemaking Policies and Procedures—Public Comment Periods (S-23-91; FR-3115) .....	2501-AB27
1384	24 CFR 20.3 Board of Contract Appeals (S-24-91; FR-3120) .....	2501-AB28
1385	24 CFR 25 Mortgagee Review Board (S-8-90; FR-2801) .....	2501-AB01
1386	24 CFR 91 Comprehensive Housing Affordability Strategy (CHAS) - (S-15-91; FR-2932) .....	2501-AB13
1387	24 CFR 581 Procedures to Make Property Available Under Title V of the Stewart B. McKinney Homeless Assistance Act (S-8-89; FR-2620) .....	2501-AA87
1388	24 CFR 882.109 Section 8 Housing Quality Standards; Smoke Detectors (P-7-92; FR-3081) .....	2501-AB39

## Office of Housing—Proposed Rule Stage

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1389	00 CFR Not yet determined Pre-Foreclosure Sale Option (H-12-89; FR-2682) .....	2502-AE72
1390	00 CFR Not yet determined Income Eligibility for Tenancy in New Construction Units (H-20-91; FR-3030) .....	2502-AF41
1391	24 CFR 200 Changes to the Minimum Property Standards (H-40-88; FR-2599) .....	2502-AE64
1392	24 CFR 200 Appraisals (H-16-91; FR-3027) .....	2502-AF25
1393	24 CFR 200.925 Minimum Property Standards Seismic Safety (H-18-91; FR-3028) .....	2502-AF26
1394	24 CFR 200 Seismic Safety—Earthquake Hazard Reduction (H-45-91; FR-3130) .....	2502-AF60
1395	24 CFR 200 Use of Materials Bulletin used in the HUD Building Product Standards and Certification Program (H-1-92; FR-3210) .....	2502-AF62
1396	24 CFR 200 Processing Commitment Fees for Multifamily Insurance Applications (H-13-92; FR-3252) .....	2502-AF74
1397	24 CFR 203 Nondiscrimination on Basis of Mortgage Charge Rates by Mortgagees on the Basis of Geographical (Tiered Pricing) (H-14-91; FR-3021) .....	2502-AF29
1398	24 CFR 203.18b(a) Mortgage Limits for High Cost Area (H-40-91; FR-3121) .....	2502-AF54
1399	24 CFR 203.402(f) Changes to Reimbursement for Preservation and Protection Expenditures (H-2-92; FR-3216) .....	2502-AF63
1400	24 CFR 203 Single-Family Property Disposition Program (H-14-92; FR-3253) .....	2502-AF75
1401	24 CFR 206 Home Equity Conversion Mortgage Insurance Demonstration (H-7-91; FR-2956) .....	2502-AF32
1402	24 CFR 207.4(f) Section 223(d) Operating Loss Loan Insurance (H-35-90; FR-2892) .....	2502-AF14
1403	24 CFR 207.4 Control of Luxury Housing Insured by the Department (H-12-92; FR-3223) .....	2502-AF76
1404	24 CFR 236 Rent Changes in Section 236 and 221 Projects (H-12-91; FR-2977) .....	2502-AF39
1405	24 CFR 242 Mortgage Insurance for Hospitals; Insurance of Mortgages Covering Existing Hospitals (H-31-91; FR-3083) .....	2502-AF47
1406	24 CFR 247.3(c) Tenant Protection (H-38-91; FR-3105) .....	2502-AF52
1407	24 CFR 251 GNMA Request for Full Insurance on Coinsurance Loans (H-19-91; FR-2951) .....	2502-AF34
1408	24 CFR 208 Nehemiah Housing Opportunity Grant Program .....	2502-AF81
1409	24 CFR 290 HUD-Owned and HUD-Held Multifamily Projects—Management and Disposition Including Provision of Section 8 Assistance for Projects at Foreclosure (H-3-86; FR-2158) .....	2502-AD43
1410	24 CFR 290 Auction of FHA Multifamily Mortgages (H-6-91; FR-3009) .....	2502-AF27
1411	24 CFR 880 Drug-Related Rent Adjustments (H-8-91; FR-2960) .....	2502-AF33
1412	24 CFR 888 Annual Rent Adjustments for Section 8 Assisted Housing; Comparability Studies (H-22-90; FR-2822) .....	2502-AF01
1413	24 CFR 3280 Manufactured Home Construction and Safety Standards on Seismic Standards (H-47-91; FR-3099) .....	2502-AF67
1414	24 CFR 3282 Manufactured Home Procedures and Enforcement Regulations; To Implement Inspection, design Approval, Consumer Compliant Handling and Monitoring Program (H-27-91; FR-2985) .....	2502-AF42
1415	24 CFR 3500.17b Real Estate Settlement Procedures Act: Escrow Accounting Analysis (H-15-92; FR-3255) .....	2502-AF77

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1416	24 CFR 200 Mortgage Assumability and Release Requirements (H-28-90; FR-2867) .....	2502-AF07
1417	24 CFR 201 Title I Property Improvement and Manufactured Home Loans—Debt Owed to the U.S. under Title I (H-18-92; FR-3326) .....	2502-AF80
1418	24 CFR 214 Housing Counseling Activities (H-9-90; FR-2753) .....	2502-AE92
1419	24 CFR 203 Removal of Codified Language for Inactive Temporary Mortgage Assistance Payments Program (H-18-90; FR-2791) .....	2502-AE99
1420	24 CFR 203 Single Family Servicing; Miscellaneous Amendments (H-23-90; FR-2853) .....	2502-AF02



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Se- quence Number	Title	Regulation Identifier Number
1421	24 CFR 203 Minimum Mortgagor Equity Applicable to Most FHA Single Family Mortgagors (H-3-91; FR-2939).....	2502-AF18
1422	24 CFR 203 Single Family Insurance—Secondary Homes (H-17-91; FR-2981) .....	2502-AF37
1423	24 CFR 203.390 Amendment to Waiver of Title (H-37-91; FR-3103) .....	2502-AF51
1424	24 CFR 203 Electronic Submission of Up-Front Mortgage Insurance Premiums (H-46-91; FR-3131) .....	2502-AF61
1425	24 CFR 203 Mortgage Insurance Premiums—15-Year Mortgages (H-16-92; FR-3279).....	2502-AF78
1426	24 CFR 207 Effect of Acquisition of Title by Mortgagee or the Secretary on Title Insurance Policy (H-3-92; FR-3224) .....	2502-AF64
1427	24 CFR 207 Revision of Three Year Requirement for Submission of Projects Insured under Section 223(f) (H-20-92; FR-3330) .....	2502-AF82
1428	24 CFR 208 Computer Automation of Required Data for Certification and Recertifications Subsidy Billing Procedures for Certain Multifamily Subsidized Projects (H-2-88; FR-2421) .....	2502-AE26
1429	24 CFR 215 State Agency Amendments (H-70-84; FR-1997) .....	2502-AC73
1430	24 CFR 235.4 Revision to the Section 235(r) Refinance Program (H-7-92; FR-3245) .....	2502-AF69
1431	24 CFR 236.2 Definition of "Elderly Family" in Part 236 (H-17-92; FR-3286) .....	2502-AF79
1432	24 CFR 242 Debenture Lock Agreements for Payment of FHA Insurance Claims (H-4-91; FR-2949) .....	2502-AF28
1433	24 CFR 811 Low-Income Term (H-35-91; FR-3046) .....	2502-AF50
1434	24 CFR 885 Management Rules for Existing Projects for the Elderly (H-34-83; FR-1761) .....	2502-AC03
1435	24 CFR 885 Supportive Housing for the Elderly (H-9-91; FR-2956) .....	2502-AF19
1436	24 CFR 869 Section 202 Supportive Housing for the Elderly (Development) (H-4-92; FR-3229).....	2502-AF65
1437	24 CFR 890 Supportive Housing for Persons with Disabilities (H-10-91; FR-2974).....	2502-AF20
1438	24 CFR 890 Supportive Housing for Persons with Disabilities (Development) (H-5-92; FR-3230) .....	2502-AF66
1439	24 CFR 3280 FY '90 Update to the Manufactured Home Construction and Safety Standards (HUD Code) (H-4-89; FR-2622).....	2502-AE66
1440	24 CFR 3500 Real Estate Settlement Procedures Act—Controlled Business Provisions and Miscellaneous Amendments; (H-45-84; FR-1942) .....	2502-AC09

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Se- quence Number	Title	Regulation Identifier Number
1441	24 CFR 200.935 HUD Building Product Standards and Certification Program for Polystyrene Foam Insulation Board, Use of Materials Bulletin, UMB 71b (H-43-91; FR-3124).....	2502-AF57
1442	24 CFR 200.935 HUD Building Product Standards and Certification Program for Carpet Cushion, Use of Materials Bulletin 72b (H-44-91; FR-3125).....	2502-AF58
1443	24 CFR 201 Increased Maximum Loan Amounts & Terms for Property Improvement Loans Insured under Title I of the NHA (H-34-91; FR-3087) .....	2502-AF48
1444	24 CFR 203 Single Family FHA-Mortgage Insurance Premium (H-2-91; FR-2936) .....	2502-AF17
1445	24 CFR 219 Flexible Subsidy Program: Capital Improvement Loans (H-34-88; FR-2541).....	2502-AE55
1446	24 CFR 248 Guidelines for Determining Appraisals of Preservation Value Under the Low Income Housing Preservation and Resident Home Ownership Act of 1990 (H-32-91; FR-3074).....	2502-AF45
1447	24 CFR 3283 Revision of HUD's Procedure for Promulgating an Up-to-Date List of State Administrative Agencies (H-29-91; FR-3059) .....	2502-AF44
1448	24 CFR 3500 RESPA, Sec. 10 - Notice Regarding Escrow Account (H-24-91; FR-2955) .....	2502-AF24

Office of Community Planning and Development—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
1449	24 CFR 596 Revisions to HUD Enterprise Zone Regulations (CPD-7-89; FR-2692) .....	2506-AB00



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## Office of Community Planning and Development—Proposed Rule Stage

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1450	24 CFR 570 Architectural Barriers Act—Applicability to CDBG Activities (CPD-8-90; FR-2820).....	2506-AB04
1451	24 CFR 570 Income Definition and Other Amendments (CPD-5-90; FR-2772).....	2506-AB01
1452	24 CFR 570.420 to 570.438 Community Development Block Grants: Small Cities Program (CPD-15-90; FR-2879)....	2506-AB11
1453	24 CFR 570 Community Development Block Grants—Disposition of Property Below Market Value (CPD-3-91; FR-2999).....	2506-AB15
1454	24 CFR 570.203 Community Development Block Grant Entitlement: State Program—Economic Development Activities (CPD-8-91; FR-3008).....	2506-AB20
1455	24 CFR 570 Presidentially Declared Major Disasters & Emergency Under the Robert T. Stafford Disaster Relief & Emergency Assistance— (CPD-16-91; FR-3119).....	2506-AB30
1456	24 CFR 570 Community Development Block Grant Program—to Part 570 Technical Amendments (CPD-2-92; FR-3238).....	2506-AB33
1457	24 CFR 570 Community Development Block Grant Entitlement Program Part 570 Amendments Related to Reimbursable Costs & Paperwork Reduction (CPD-3-92; FR-3239).....	2506-AB34
1458	24 CFR 570 Community Development Block Grants Sanctions (CPD-9-92; FR-3298).....	2506-AB40
1459	24 CFR 570 Revised Regulations for CDBG Sanctions (CPD-12-92; FR-3298).....	2506-AB43
1460	24 CFR 576 Emergency Shelter Grants Program (CPD-5-91; FR-3005).....	2506-AB17

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1461	24 CFR 511 Amendment of Rental Rehabilitation Program Closeout Requirements (CPD-8-92; FR-3280).....	2506-AB39
1462	24 CFR 511 Amendment of Rental Rehabilitation Program—Closeout Requirements (CPD-11-92; FR-3280).....	2506-AB42
1463	24 CFR 570.488 Community Development Block Grants: State's Program (CPD-7-83; FR-1877).....	2506-AA38
1464	24 CFR 570 Revisions of Part 570 to Implement Recent Statutory Changes (CPD-5-88; FR-2496).....	2506-AA84
1465	24 CFR 570.202 Correction of Health and Safety Violations in Rehabilitated Residential Properties Assisted with Community Development Block Grant Funds (CPD-10-90; FR-2874).....	2506-AB06
1466	24 CFR 570 Community Development Block Grants—Project (CPD-4-91; FR-3000).....	2506-AB16
1467	24 CFR 570 Community Development Block Grant—Entitlement Program—CD Plan (CPD-7-91; FR-3007).....	2506-AB19
1468	24 CFR 570.201 Inclusion of Program Income in CDBG Calculations of Public Service Spending CAP (CPD-18-91; FR-2905).....	2506-AB24
1469	24 CFR 570 CDBG-Funded Code Enforcement (CPD-2-91; FR-2943).....	2506-AB26
1470	24 CFR 571 Community Development Block Grants for Indian Tribes and Alaskan Native Villages (CPD-16-90; FR-2880).....	2506-AB12
1471	24 CFR 576.67 Reallocation of Unused Emergency Shelter Grants Amounts (CPD-10-92; FR-3319).....	2506-AB41
1472	24 CFR 577 Supportive Housing Demonstration Program (CPD-14-90; FR-2878).....	2506-AB10

## Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1473	24 CFR 6 Proposed Amendment to 24 CFR 570.602 Rule (CPD-1-92; FR-3117).....	2506-AB32
1474	24 CFR 570 Prevention of Discrimination Based on Alienage in the Provision of CDBG-Funded Public Services (Alien IV) (CPD-19-90; FR-2913).....	2506-AB25
1475	24 CFR 579 Supplemental Assistance for Facilities to Assist the Homeless (CPD-6-91; FR-3006).....	2506-AB18

## Government National Mortgage Association—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1476	24 CFR 390.3 Revisions to GNMA Issuer Net Worth Requirements (GNMA-1-90; FR-2908).....	2503-AA07
1477	24 CFR 400 Guaranty of Real Estate Mortgage Investment Conduits (GNMA-2-91; FR-3004).....	2503-AA09



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## Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1478	24 CFR 91.15(l) CHAS—Affirmatively Furthering Fair Housing (FHEO-6-91; FR-3118).....	2529-AA54
1479	24 CFR 111 Fair Housing Assistance Program (FHEO-5-92; FR-3322).....	2529-AA60
1480	24 CFR 115 Certification of Substantially Equivalent Agencies (FHEO-4-92; FR-3321).....	2529-AA59
1481	24 CFR 112 Fair Housing Affirmative Administration of Programs Relating to Housing and Urban Development (FHEO-3-90; FR-2885).....	2529-AA46
1482	24 CFR 135 Employment Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects (FHEO-6-90; FR-2898).....	2529-AA49

## Office of Fair Housing and Equal Opportunity—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1483	24 CFR 7 Equal Employment Opportunity; Policies and Procedures (FHEO-6-92; FR-3323).....	2529-AA61
1484	24 CFR 7 Conforming Amendments to HUD Rules To Comply With Section 504 of the Rehabilitation Act and Other Authorities (FHEO-3-88; FR-2531).....	2529-AA38

## Office of Fair Housing and Equal Opportunity—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1485	24 CFR 103.400 Fair Housing Complaint Processing; Technical Amendment (FHEO-1-92; FR-3236).....	2529-AA56
1486	24 CFR 135.1 Employment Opportunities for Businesses and Lower Income Persons in Connection With Assisted Projects (FHEO-2-92; FR-3290).....	2529-AA57

## Office of Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1487	24 CFR 85 Implementation of Revised OMB Circular A-102 Grants and Cooperative Agreements to State and Local Governments (ADM-2-91; FR-3129).....	2535-AA19

## Office of Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1488	48 CFR 24 HUD Acquisition Regulation (ADM-2-88; FR-2473).....	2535-AA16
1489	24 CFR 85 Competitive Proposal Requirements for Grants and Cooperative Agreement to State, Local and Federally Recognized Indian Tribal Governments (ADM-1-91; FR-3015).....	2535-AA18



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## Office of Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1490	48 CFR 24 Revisions to HUD Acquisition Regulation to Reflect Changes in GNMA Procurement Procedures (ADM-3-88; FR-2534).....	2535-AA17

## Office of the Inspector General—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1491	24 CFR 2003 Implementation of the Privacy Act of 1974 (IG-1-92; FR-3259).....	2508-AA07

## Policy Development and Research—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1492	24 CFR 248 Preservation of Multifamily Assisted Rental Housing; Guidelines for the Section 222(e) Windfall Profits Test (PD&R-1-92; FR-3177).....	2528-AA03

## Office of Public and Indian Housing—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
1493	24 CFR 904 Turnkey III re: PHA Financing & Subordination (P-6-90; FR-2819).....	2577-AA85

## Office of Public and Indian Housing—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1494	24 CFR 882 Section 8 Moderate Rehabilitation (P-6-91; FR-2976).....	2577-AB16
1495	24 CFR 813 Consolidated Income and Rent Regulations (P-10-92; FR-3324).....	2577-AB19
1496	24 CFR 882 Comprehensive Revision to Section 8 Rental Certificate Program and Rental Voucher Program Regulations (P-5-92; FR-2294).....	2577-AB14
1497	24 CFR 905 Indian Lease and Grievance Procedures (P-2-92; FR-3228).....	2577-AB11
1498	24 CFR 905.640(c) CIAP Procurement Policy for LBP Testing and Abatement Services (P-3-92; FR-3231).....	2577-AB12
1499	24 CFR 905 CIAP—Subpart B (P-11-92; FR-3318).....	2577-AB20
1500	24 CFR 913 Maximum Annual Limitation on Rental Increases Resulting from Employment; Amendments to Definitions of Income, Adjusted Income (P-4-91; FR-2973).....	2577-AA95
1501	24 CFR 941 Public Housing Development—Program Amendments (P-8-90; FR-2865).....	2577-AA87
1502	24 CFR 960.500, subpart E Public Housing Rent Waiver for Police Officers (P-3-91; FR-2972).....	2577-AA94
1503	24 CFR 965 Selection of Financially Responsible Insurance Provider by PHAs and IHAs (P-10-91; FR-3023).....	2577-AB00
1504	24 CFR 965 Lead-Based Paint Liability Insurance for Public Housing Agencies and Indian Housing Authorities (P-12-92; FR-3275).....	2577-AB21
1505	24 CFR 970 Demolition & Disposition of Public Housing—Opportunity to Purchase by Tenant Councils, Resident Management Corporations, or Tenant Cooperatives (P-19-91; FR-3093).....	2577-AB09
1506	24 CFR 990 Performance Funding System: Adjustment to Operating Subsidy to Reflect Air Conditioning Effect on Utility Consumption (P-9-91; FR-2971).....	2577-AA99



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Se-quence Number	Title	Regulation Identifier Number
1507	00 CFR Not yet determined Family Self-Sufficiency Program (P-9-92; FR-2961)	2577-AB15
1508	24 CFR 751 Drug Elimination (P-6-91; FR-2992)	2577-AA97
1509	24 CFR 901 Public Housing Management Assessment Program (PHMAP) (P-10-90; FR-2897)	2577-AA89
1510	24 CFR 905 Section 5(h) Homeownership Program (P-5-90; FR-2810)	2577-AA90
1511	24 CFR 912 Definition Amendments (P-5-91; FR-3029)	2577-AA96
1512	24 CFR 961 Youth Sports (P-7-91; FR-2993)	2577-AA98
1513	24 CFR 970 Replacement Housing for Public Housing Demolition and Disposition (P-5-88; FR-2463) 1987 HCD Act	2577-AA58
1514	24 CFR 990.102 PFS Projected Operating Income Level (P-4-90; FR-2784)	2577-AA84
1515	24 CFR 900 Low-Income Public Housing—Project-Based Accounting (P-18-91; FR-3088)	2577-AB08

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Se-quence Number	Title	Regulation Identifier Number
1516	00 CFR Not yet determined Income Eligibility for Public Housing (P-2-91; FR-2979)	2577-AA93
1517	24 CFR 963 Public Housing—Contracting with Resident-Owner Businesses (P-7-90; FR-2856)	2577-AA86
1518	24 CFR 882 Amendments to Part 882, 887; Additional Grounds for Termination of Section 8 Assistance under the Family Self-Sufficiency Program (P-8-92; FR-3098)	2577-AB17
1519	24 CFR 905 Indian Housing Program—Revised Program Regulations (P-2-86; FR-2208)	2577-AA32
1520	24 CFR 0913 Public and Indian Housing; Ceiling Rents (P-2-89; FR-2529) 1987 HCD Act	2577-AA57
1521	24 CFR 941 Lead-Based Paint Poisoning Prevention Act—Stewart B. McKinney Homeless Assistance Amendments of 1988—Section 1088 (P-19-88; FR-2593)	2577-AA78

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of the Secretary (HUDSEC)

**1339. NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM (S-13-91; FR-3032)**

**Legal Authority:** PL 101-825

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** This rule would establish a seven-member board of directors, chaired by the HUD Secretary, within HUD for National Homeownership Trust that would provide funding for downpayments and limit interest on mortgage to 6 percent for eligible, first-time homeowners.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Arthur J. Reiger, Division of Policy Development, Office of Policy Development & Research, Department of Housing and Urban Development, Office of the Secretary, 202 708-1537

**RIN:** 2501-AB15

**1340. PREFERENCE FOR NATIVE HAWAIIANS ON HAWAIIAN HOMELANDS UNDER CERTAIN HUD PROGRAMS (S-26-91; FR-3127)**

**Legal Authority:** 42 USC 1437f

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** Sec. 958 of the Cranston-Gonzalez National Affordable Housing Act of 1990 requires that HUD provide a preference for Native Hawaiians for certain housing assistance programs located on Hawaiian homelands. The programs affected by the new law

include multifamily FHA mortgages, the program under section 202 of the U.S. Housing Act of 1959 (elderly housing), project-based section 8 assistance, and public housing.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Agency Contact:** James Tahash, Director, Planning & Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

**RIN:** 2501-AB31



HUD—HUDSEC

Proposed Rule Stage

**1341. DEFERRAL OF FUNDING UNDER SECTION 504 AND TITLE VI REGULATIONS (S-10-90; FR-2825)**

**Legal Authority:** 29 USC 794; 42 USC 3535(d); 42 USC 5309

**CFR Citation:** 24 CFR 1; 24 CFR 8

**Legal Deadline:** None

**Abstract:** This proposed rule would authorize the Secretary to defer financial assistance, during the pendency of administrative proceeding, on the basis of alleged noncompliance with the regulations implementing Title VI of the Civil Rights Act of 1964 and section 504 of the Rehabilitation Act of 1973.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local

**Agency Contact:** Betsy Ryan, Office of HUD Program Investigation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2333

**RIN:** 2501-AB17

**1342. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING ASSISTANCE UNDER TITLE I OF THE HCD ACT OF 1974 (S-28-91; FR-3079)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 6

**Legal Deadline:** None

**Abstract:** This proposed rule would create a new part 6 which would implement section 109 of Title I of the Housing and Community Development Act of 1974. Section 109 requires that no person in the United States shall, on the ground of race, color, national origin, religion or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program activity funded in whole or in part with community development funds. The rule will set forth the procedures and policies to assure nondiscrimination under section 109 in programs and activities receiving assistance from HUD under Title I of the HCD Act of 1974.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Betsy Ryan, Office of HUD Investigations, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2333

**RIN:** 2501-AB32

**1343. ● RULEMAKING POLICIES AND PROCEDURES—EXPEDITING RULEMAKING AND POLICY IMPLEMENTATION (FR-3292)**

**Significance:** Regulatory Program

**Legal Authority:** 5 USC 552; 5 USC 553; 42 USC 3535(d)

**CFR Citation:** 24 CFR 10

**Legal Deadline:** None

**Abstract:** This rule would amend 24 CFR Part 10, HUD's "rules on rules," to make possible the more timely implementation of new and changed policies of the Department in circumstances where notice and comment rulemaking is not required by law. The purposes of this rule are: to provide greater flexibility to the Department in implementing statutory and other changes to its program authorities; to avoid unnecessary rulemaking procedures; and to assure the more prompt delivery of program benefits provided for in new and amended statutes.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** James E. Schoenberger, Associate General Deputy Assistant Secretary, Department of Housing and Urban Development, Office of Housing, 202 708-1490

**RIN:** 2501-AB43

**1344. GOVERNMENT DEBARMENT AND SUSPENSION AND GOVERNMENTWIDE REQUIREMENTS FOR A DRUG-FREE WORKPLACE (S-18-91; FR-3065)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 24

**Legal Deadline:** None

**Abstract:** This proposed rule would amend existing 24 CFR 24.305, a part of the HUD Debarment Regulation. A recent United States District Court decision, involving an appeal of a debarment action taken by the Department, has greatly reduced the effectiveness of Section 24.305(d). The purpose of this rule is to correct the effect of the District Court's decision, and to clarify the Department's established and unchanged policy regarding causes for debarment.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Emmett N. Roden, Assistant General Counsel for Inspector General and Administrative Proceedings, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3200

**RIN:** 2501-AB24

**1345. LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES (S-27-91; FR-3061)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 4821 to 4846

**CFR Citation:** 24 CFR 35

**Legal Deadline:** None

**Abstract:** Update existing part 35 to reflect additional knowledge of technology and abatement regarding lead-based paint in residential structures

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

**Small Entities Affected:** Governmental Jurisdictions



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## Proposed Rule Stage

**Government Levels Affected:** Local, State

**Agency Contact:** Arthur Newburg, Director, Office of Lead-Based Paint Abatement and Poisoning Prevention, Department of Housing and Urban Development, Office of the Secretary, 202 755-1805

**RIN:** 2501-AB23

**1346. 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 to revise the regulations that govern environmental review and decisionmaking by HUD staff and officials for projects under all HUD programs except for programs for which State or local governments exercise these responsibilities (under 24 CFR part 58). The rule will take account of pertinent legislative changes to the authorizations for established programs. It will include any changes as may be required under new authorizations, including those programs of the National Affordable Housing Act of 1990 for which HUD retains environmental review responsibility. In addition, the rule will propose language to amend the current interim rules; to clarify provisions based on HUD experience with those rules; to reduce regulatory burdens and procedural details consistent with environmental laws and other authorities; and to assure policy consistency with Part 58 on matters common to both rules.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** Replaces RIN 2500-AA10

**Agency Contact:** Walter Prybyla, Office of Environment and Energy, Department of Housing and Urban

Development, Office of Community Planning and Development, 202 708-2810

**RIN:** 2501-AA30

**1347. ENVIRONMENTAL REVIEW PROCEDURES FOR STATE & LOCAL GOVERNMENTS UNDER HUD PROGRAMS (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 rule would accomplish the following purposes. First, it will implement section 288 of the Cranston-Gonzalez National Affordable Housing Act which, provides for the performance of environmental review responsibilities by States and units of local government for programs under title II of the Act, "Investment in Affordable Housing" (HOME programs). Second, it will indicate requirements and further exemptions and categorical exclusions applicable to the following: Community Development Block Grant Program; section 17 Rental Rehabilitation and Housing Development Programs; and programs under the Stewart B. McKinney Homeless Assistance Act. Finally, the rule will include certain clarifications based on public comments HUD received on the current interim rules.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Interim Final Rule Effective	07/31/84	49 FR 23610
Interim Final Rule Comment Period End	08/06/84	
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Frederick D. Regetz, Office of Environmental and Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2810

**RIN:** 2501-AA25

**1348. PROTECTION OF HISTORIC PROPERTIES (S-5-92; FR-3315)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 59

**Legal Deadline:** None

**Abstract:** This rule proposes to implement the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended and the Archeological and Historic Preservation Act. The rule is designed to accommodate historic preservation concerns with the needs of HUD programs. The rule would apply to all HUD programs. It would require the agency official to take into account the effects of an undertaking on historic properties and, prior to approval of an undertaking, assure compliance with these regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Roy Gonnella, Director, Environmental Review Division, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1201

**RIN:** 2501-AB44

**1349. NEPOTISM RESTRICTIONS APPLICABLE TO HUD GRANTEEES (S-19-91; FR-3075)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 95

**Legal Deadline:** None

**Abstract:** This proposed rule would restrict nepotism in employment and contracting by officials or grantees receiving grants from the United States Department of HUD. Under this rule, grantee officials may not employ relatives or participate in contracting with an entity in which a relative has a financial interest, unless the relationship is fully disclosed and a waiver is granted by the HUD Assistant Secretary responsible for the program under which the grant is provided. These prohibitions will standardize the rules imposed on HUD grantees and will minimize the possibility of improper favoritism through employment of, and contracting with, relatives of grantee officials.



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## Proposed Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Kenneth A. Markison, Assistant General Counsel for Administrative Law, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3037

**RIN:** 2501-AB29

**1350. PREFERENCE RULES (S-32-91; FR-3122)**

**Legal Authority:** 42 USC 1433d; 42 USC 1437f

**CFR Citation:** 24 CFR 882.219; 24 CFR 882.517; 24 CFR 215; 24 CFR 880.613; 24 CFR 861.613; 24 CFR 883.714; 24 CFR 884.226; 24 CFR 886.132; 24 CFR 905.305; 24 CFR 960.211

**Legal Deadline:** None

**Abstract:** This rule implements changes made by the National Affordable Housing Act in the way the Federal preferences are applied. Now the statute provides that the preference for assisting families that occupy substandard housing, who pay more than 50 percent of income for rent, or who are involuntarily displaced, applies not to all the units but to 70 percent of units in project-based assistance programs and 90 percent of units in the tenant-based program (Housing Voucher and Certificate Program.) The rule also clarifies that the term "substandard housing" includes homelessness or housing in a homeless shelter.

## Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local

**Additional Information:** ADDITIONAL AGENCY CONTACT: Edward Whipple, Director, Occupancy Division, Office of Public and Indian Housing, 202 708-0744.

**Agency Contact:** James Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 708-3944

**RIN:** 2501-AB35

**1351. HUD PREVAILING WAGE RATE REQUIREMENTS FOR MAINTENANCE AND TECHNICAL EMPLOYEES WORKING ON PIH DEVELOPMENTS (P-10-88; FR-2211)**

**Legal Authority:** 42 USC 1437j; 42 USC 3535(d)

**CFR Citation:** 24 CFR 920

**Legal Deadline:** None

**Abstract:** This rule would codify the Department's policies and procedures for determining or adopting prevailing wage rates under Section 12 of the United Housing Act of 1937. It would establish uniform criteria for determining maintenance wage rates; provide guidance for determining maintenance wage rates in the context of collective bargaining between PHAs/IHAs and employee organizations; outline responsibilities and procedures for ensuring compliance with maintenance wage rate determinations and private procedures for determining wages applicable to nonroutine maintenance performed with Comprehensive Improvement Assistance Program funds and construction contracting done with operating funds.

## Timetable:

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local

**Agency Contact:** Richard S. Allan, Director, Labor Relations Staff, Department of Housing and Urban Development, Office of the Secretary, 202 708-0370

**RIN:** 2501-AB38

**1352. LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES (S-8-92; FR-3325)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 965.701; 24 CFR 200.815; 24 CFR 200.825

**Legal Deadline:** None

**Abstract:** Update existing regulations concerning the treatment of lead-based paint in public housing and HUD-owned properties disposition properties to reflect additional knowledge of technology and abatement regarding lead-based paint in residential structures.

## Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Arthur S. Newburg, Director, Office of Lead-Based Paint Abatement and Poisoning Prevention, Department of Housing and Urban Development, Office of the Secretary, 202 755-1805

**RIN:** 2501-AB48

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

## Final Rule Stage

## Office of the Secretary (HUDSEC)

**1353. HOPE FOR ELDERLY INDEPENDENCE PROGRAM - PROGRAM GUIDELINES (S-7-91; FR-2957)**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-625

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** The HOPE for Elderly Independence Program is a five-year

demonstration program authorized by Section 803 of the Cranston-Gonzalez National Affordable Housing Act to test the effectiveness of combining housing certificates and vouchers with supportive services to assist frail



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elderly persons to continue to live independently. This program will be implemented by a Notice of Guidelines, to be published in the Federal Register. Although the Guidelines will be effective upon publication, the Notice will invite public comment, to assist in developing rules in the event that HOPE for Elderly Independence becomes a permanent program.

**Timetable:**

Action	Date	FR Cite
Notice	02/04/91	56 FR 4506

Next Action Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:** This program is a five-year demonstration program (i.e., a temporary program). The authorizing legislation calls for this program to be implemented by a published notice of guidelines. (No rule is required.) The Notice of Guidelines will present HUD's guidelines for the operation of the HOPE for Elderly Independence Program. Although the Guidelines will be effective upon publication, the Notice will invite public comment, to assist in developing rules in the event that HOPE for Elderly Independence becomes a permanent program.

**Agency Contact:** Gerald Benoit, Director, Rental Assistance Division, Department of Housing and Urban Development, Office of Housing, 202 708-0477

**RIN:** 2501-AB05

### 1354. HOPE FOR MULTIFAMILY HOUSING (HOPE 2) (S-5-91; FR-2967)

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 12879

**CFR Citation:** Not yet determined

**Legal Deadline:** Final, Statutory, September 15, 1992.

**Abstract:** Arising out of the National Affordable Housing Act, the HOPE for Homeownership of Multifamily Units Program (HOPE 2) will provide homeownership opportunities for low-income families and individuals. The purpose of the HOPE 2 Program is to provide homeownership opportunities for eligible families in certain multifamily developments. Under the HOPE 2 Program, applicants eligible to

receive planning and implementation grants to develop and carry out a HOPE 2 program include public housing agencies, Indian housing authorities, resident management corporations, resident councils, cooperative associations, and public or nonprofit organizations.

**Timetable:**

Action	Date	FR Cite
Notice	02/04/91	56 FR 4436
Notice Effective	02/04/91	
Notice Comment	05/06/91	
Period End		
Notice	01/14/92	57 FR 1558
Notice Comment	04/15/92	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Margaret Milner, Office of Resident Initiatives, Office of Multifamily Housing Programs, Department of Housing and Urban Development, Office of the Secretary, 202 708-4542

**RIN:** 2501-AB08

### 1355. HOPE FOR SINGLE FAMILY HOMES (HOPE 3) (S-6-91; FR-2968)

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 12898

**CFR Citation:** Not yet determined

**Legal Deadline:** Final, Statutory, September 15, 1992.

**Abstract:** Arising out of the National Affordable Housing Act, the HOPE for Homeownership of Single Family Homes Program (HOPE 3) will provide for homeownership opportunities for low-income families and individuals. The purpose of the HOPE 3 Program is to provide homeownership opportunities for eligible families to purchase certain Federal, State and local government-owned single family properties and units in scattered site, single family public and Indian housing developments. Under the HOPE 3 Program, applicants eligible to receive an implementation grant to carry out a HOPE 3 program include a private nonprofit organization, a cooperative association, or a public body (including a PHA, an IHA, and an agency or instrumentality of a public body) in

cooperation with a private nonprofit organization.

**Timetable:**

Action	Date	FR Cite
Notice	02/04/91	56 FR 4458
Notice Effective	02/04/91	
Notice Comment	09/30/91	
Period End		
Notice	01/14/92	57 FR 1592
Notice Comment	04/15/92	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** John Garrity, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-0324

**RIN:** 2501-AB09

### 1356. HOPE FOR PUBLIC AND INDIAN HOUSING HOMEOWNERSHIP (HOPE 1) (S-3-91; FR-2965)

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1437aa

**CFR Citation:** Not yet determined

**Legal Deadline:** Final, Statutory, September 15, 1992.

**Abstract:** The HOPE for Public and Indian Housing Homeownership Program (HOPE 1) will provide homeownership opportunities for low-income families and individuals. The purpose of the HOPE 1 Program is to provide homeownership opportunities for eligible families to purchase multifamily and non-scattered-site single-family public and Indian housing. Under the HOPE 1 Program, applicants eligible to receive planning and implementation grants to develop and carry out a HOPE 1 program include public housing agencies, Indian housing authorities, resident management corporations, resident councils, cooperative associations, and public or nonprofit organizations.

**Timetable:**

Action	Date	FR Cite
Notice	02/04/91	56 FR 4412
Notice Effective	02/04/91	
Notice Comment	09/30/91	
Period End		



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Action	Date	FR Cite
Notice	01/14/92	57 FR 1522
Notice Comment Period End	04/15/92	
Final Action	11/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Gary Van Buskirk, Homeownership Division for PIH, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-4233

**RIN:** 2501-AB10

**1357. ● PROHIBITION OF ADVANCE DISCLOSURE OF FUNDING DECISION (S-9-90; FR-2805)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 4

**Legal Deadline:** None

**Abstract:** This final rule amendment clarifies certain of the non-disclosure requirements of section 103 as set forth in the May 13, 1991 final rule implementing this section, and also elaborates on the circumstances to which section 103 applies.

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/90	55 FR 49012
NPRM Comment Period End	01/22/91	
Interim Final Rule	08/04/92	57 FR 34246
Interim Final Rule Effective	09/03/92	
Interim Final Rule Comment Period End	10/05/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Garry Phillips, Acting Director, Office of Ethics, Department of Housing and Urban Development, Office of Administration, 202 708-3815

**RIN:** 2501-AB02

**1358. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY HUD (S-9-91; FR-2163)**

**Significance:** Agency Priority

**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 final rule implements section 504 of the Rehab Act of 1973 (as extended by the Rehabilitation Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This final 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	05/30/91	56 FR 24604
NPRM Comment Period End	07/29/91	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Betsy Ryan, Office of HUD Program Investigation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2333

**RIN:** 2501-AB04

**1359. ● RELAXATION OF HUD REGULATORY REQUIREMENTS; CONFORMING CHANGES (S-7-92; FR-3221)**

**Legal Authority:** 42 USC 3535q

**CFR Citation:** 24 CFR 15.86; 24 CFR 965.409

**Legal Deadline:** None

**Abstract:** This final rule makes technical changes to regulatory provisions to remove references in HUD's current rules to officials below the rank of Assistant Secretary who may waive certain rules. Because HUD has determined that these rules are subject to the Department's Statement of Policy on waivers of Regulations (56 FR 16337, April 22, 1991), the regulations noted in the final rule may, under section 106 of the Department of HUD Reform Act (42 USC 3535q), be waived only by an Assistant Secretary, or by the Secretary.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	
Final Action Effective	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Grady N. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3055

**RIN:** 2501-AB40

**1360. ● FREEDOM OF INFORMATION REFORM ACT OF 1986; REVISION OF LAW ENFORCEMENT EXEMPTION (S-9-92; FR-3282)**

**Legal Authority:** 5 USC 552

**CFR Citation:** 24 CFR 15

**Legal Deadline:** None

**Abstract:** This final rule revises HUD's public disclosure regulations governing law enforcement records.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Kenneth A. Markison, Assistant General Counsel for Equal Opportunity & Admin Law, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3137

**RIN:** 2501-AB47

**1361. ADMINISTRATIVE CLAIMS - DISALLOWED COSTS PROVISIONS (S-11-90; FR-2861)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 17

**Legal Deadline:** None

**Abstract:** This rule would make the repayment of disallowed costs, as determined under the Departmental Audits Management System, a threshold requirement to be met in all of HUD's Discretionary Assistance Programs.

As such, this rule would provide an additional important tool for the Department to collect moneys expended for ineligible purposes under HUD



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programs. This is particularly true with respect to State and Local Governments, which are not subject to administrative offset under the Federal Claims Collection Act.

There is no administrative or programmatic cost under the proposal. The potential for recovering disallowed costs, by establishing such a precondition for discretionary program assistance, lies in the millions of dollars.

**Timetable:**

Action	Date	FR Cite
NPRM	11/04/91	56 FR 56336
NPRM Comment Period End	01/03/92	
Final Action	11/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Robert S. Kenison, Associate General Counsel, Assisted Hsg. & Community Dev., Department of Housing and Urban Development, Office of the General Counsel, 202 708-0212

**RIN:** 2501-AA97

**1362. IMPLEMENTATION OF OMB CIRCULAR A-133, "AUDIT OF INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS" (S-8-91; FR-2594)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 45

**Legal Deadline:** None

**Abstract:** OMB Circular A-133 provides policy guidance to Federal agencies for establishing uniform requirements for audits of awards provided to institutions of higher education and other nonprofit organizations. Through this rule, HUD adopts this circular and incorporates by reference the provisions of the circular where they apply to various HUD programs.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/20/92	57 FR 33252
Interim Final Rule Effective	08/26/92	
Interim Final Rule Comment Period End	09/25/92	

Next Action Undetermined

**Small Entities Affected:** Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Donna Abbenante, Deputy Chief Financial Officer for Operations, Department of Housing and Urban Development, Office of the Secretary, 202 619-8114

**RIN:** 2501-AB19

**1363. CHANGES IN HUD SYSTEMS FOR APPROVAL OF SUBDIVISIONS (S-22-91; FR-3095)**

**Legal Authority:** 42 USC 1490o; 42 USC 3535d

**CFR Citation:** 24 CFR 50.1; 24 CFR 50.17; 24 CFR 50.19; 24 CFR 50.22; 24 CFR 50.36; 24 CFR 50.43; 24 CFR 51.201; 24 CFR 55.12; 24 CFR 200.163; 24 CFR 200.926; 24 CFR 200.926d; 24 CFR 203.12

**Legal Deadline:** None

**Abstract:** This rule eliminates the process of subjecting new residential subdivisions to prior HUD review as a prerequisite to HUD's providing mortgage insurance on home loans on newly constructed single family dwellings in a subdivision, when the loans on the dwellings are being processed under the Direct Endorsement Program.

**Timetable:**

Action	Date	FR Cite
NPRM	04/16/92	57 FR 13592
NPRM Comment Period End	06/15/92	
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Morris Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 708-2700

**RIN:** 2501-AB25

**1364. ENVIRONMENTAL POLICY FOR THE HOPE GRANT PROGRAMS (S-1-92; FR-3214)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 50

**Legal Deadline:** None

**Abstract:** This rule adds an exemption to HUD's environmental regulations

relating to planning grants under the HOPE Grant programs. The exemption applies to environmental review and compliance requirements of NEPA and other Federal environmental laws and authorities listed in 24 CFR 50.4. The rule also adds a categorical exclusion from environmental assessment requirements of NEPA for approval of implementation grants under HOPE 3.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/14/92	57 FR 1385
Interim Final Rule Effective	02/13/92	57 FR 1385
Interim Final Rule Comment Period End	04/15/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard A. Broun, Director, Office of Environmental and Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2894

**RIN:** 2501-AB36

**1365. 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 11990; 42 USC 3535(d)

**CFR Citation:** 24 CFR 55; 24 CFR 50; 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 and FEMA's regulations for its National Flood Insurance Program.



HUD—HUDSEC

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/90	55 FR 396
NPRM Comment Period End	03/05/90	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Richard H. Broun, Director, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2894

**RIN:** 2501-AA23

**1366. DAVIS-BACON VOLUNTEERS (SEC. 955) (S-30-91; FR-2995)**

**Legal Authority:** 42 USC 1437d; 42 USC 1437l; PL 101-625

**CFR Citation:** 24 CFR 70; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 242; 24 CFR 570; 24 CFR 880 to 886; 24 CFR 889; 24 CFR 890; 24 CFR 905; 24 CFR 941; 24 CFR 961; 24 CFR 968

**Legal Deadline:** None

**Abstract:** This rule will require regulations under the CDBG, PIH, Section 8 lower-income housing, and Section 202 elderly and handicapped housing programs to implement Section 955 of the Cranston-Gonzalez National Affordable Housing Act, which exempts volunteer workers from the Davis-Bacon or HUD-determined prevailing wage requirements under these programs. The provision eliminates the necessity for a HUD waiver to allow volunteers under the Section 202 program, and under the other programs cited.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/22/92	57 FR 14754
Interim Final Rule Effective	05/22/92	
Interim Final Rule Comment Period End	06/22/92	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard S. Allan, Director, Labor Relations, Department

of Housing and Urban Development, Office of the Secretary, 202 708-0370

**RIN:** 2501-AB33

**1367. REGS IMPLEMENTING THE AUTHORITY OF THE SECRETARY OF DHUD OVER THE CONDUCT OF THE SECONDARY MARKET OPERATIONS OF THE FNMA & THE FHLMC (S-13-90; FR-2895)**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1723a(h); 12 USC 1452(b)(1)

**CFR Citation:** 24 CFR 81; 1 CFR 462; 12 CFR ch X

**Legal Deadline:** None

**Abstract:** The rule is needed to revise the present regulations, which are outdated and not relevant, in many instances, to present operations, and which need to be coordinated with the new regulations implementing the Secretary's oversight authority for the Federal Home Loan Mortgage Corporation.

**Timetable:**

Action	Date	FR Cite
NPRM	08/16/91	56 FR 41022
NPRM	10/16/91	56 FR 51854
NPRM Comment Period End	11/14/91	
Notice	11/21/91	56 FR 58653
NPRM Comment Period End	11/28/91	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Kenneth A. Markison, Assistant General Counsel for Administrative Law, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3137

**RIN:** 2501-AA99

**1368. PROHIBITION ON USE OF FEDERAL FUNDS FOR LOBBYING; REQUIREMENTS FOR DISCLOSURE STATEMENTS (S-1-90; FR-2719)**

**Legal Authority:** 31 USC 1352

**CFR Citation:** 24 CFR 87

**Legal Deadline:** None

**Abstract:** This is part of a governmentwide common rule effort to implement section 319 of the Interior and Related Agencies Appropriations

Act for FY 1990 (Pub. L. 101-121, approved October 23, 1989) which added a new section 1352 to title 31 of the United States Code, entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transaction" (the Byrd Amendments).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Effective	02/26/90	55 FR 6736
Interim Final Rule Comment Period End	04/27/90	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Garry Phillips, Acting Director, Office of Ethics, Department of Housing and Urban Development, Office of Administration, 202 708-3815

**RIN:** 2501-AA92

**1369. HOME INVESTMENT IN AFFORDABLE HOUSING PROGRAM (S-16-91; FR-2937)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 12721

**CFR Citation:** 24 CFR 92

**Legal Deadline:** None

**Abstract:** This rule implements the HOME Investment Partnership Act, as enacted by Title II of the Cranston-Gonzalez National Affordable Housing Act. This program among other purposes is intended to expand the supply of decent, safe, and sanitary affordable housing. Under the HOME Program, HUD provides formula allocations to participating jurisdictions to be used for specified eligible housing uses in accordance with the jurisdiction's approved comprehensive housing affordability strategies. A portion of these allocations may be used for investment in housing developed, sponsored, or owned by community housing development organizations. HUD may also provide technical assistance to develop the capacity of participating jurisdictions and will develop model programs designed to carry out the purposes of the Act.



## HUD—HUDSEC

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/91	56 FR 11592
NPRM Comment Period End	04/18/91	
Interim Final Rule	12/16/91	56 FR 65312
Interim Final Rule Effective	01/16/92	
Interim Final Rule Comment Period End	05/01/92	
Interim Final Rule	02/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Mary Kolesar, Director, Policy Division of Affordable Housing Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2470

**RIN:** 2501-AB12

**1370. ● ELIGIBILITY OF INSULAR AREAS FOR THE HOME PROGRAMS-L2-92; 2; FR-3242)**

**Legal Authority:** PL 101-625

**CFR Citation:** 24 CFR 92

**Legal Deadline:** None

**Abstract:** This rule implements the distribution of funding for insular areas under the HOME Investment Partnerships Act, Title II of the National Affordable Housing Act, as amended December 12, 1991. This rule will ensure that insular areas receive a HOME allocation in an amount that reflects their share of the total population of eligible jurisdictions and will establish additional specific criteria to regulate the amounts reserved for insular areas.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/92	57 FR 34640
NPRM Comment Period End	09/04/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mary Kolesar, Director, Policy Division, Office of Affordable Housing Program, Department of Housing and Urban

Development, Office of the Secretary, 202 708-2470

**RIN:** 2501-AB42

**1371. ● AMENDMENT OF HOME INVESTMENT PARTNERSHIPS PROGRAM (S-6-92; FR-3317)**

**Legal Authority:** PL 101-625

**CFR Citation:** 24 CFR 92

**Legal Deadline:** None

**Abstract:** This rule amends the HOME Investment Partnerships Program Interim rule that was published on Dec. 16, 1991. The HOME Program, among other purposes, is intended to expand the supply of decent, safe and sanitary affordable housing. Under the HOME Program, HUD provides formula allocations to participation jurisdictions to be used for specified housing activities. This rule would amend the effective interim rule by making technical corrections, clarifying intent, and making changes necessary to facilitate the implementation and purpose of the program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Additional Information:** Many of the changes made by this rule are in response to substantial public comment. A final rule for the HOME Program is not expected to be published until Sept. 1993.

**Agency Contact:** Mary A. Kolesar, Director, Policy Division, Office of Affordable Housing Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2675

**RIN:** 2501-AB45

**1372. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-87; FR-2383 (FORMERLY FR-1588))**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1436a

**CFR Citation:** 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 247; 24

CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 912

**Legal Deadline:** None

**Abstract:** This rule will implement section 214 of the Housing and Community Development Act of 1980, as amended in 1981, 1986, and 1988. That Act prohibits the Secretary from providing financial assistance to substantially all illegal aliens as well as to most classes of aliens admitted for temporary purposes. The restriction applies to the Public and Indian Housing programs, the Section 8 Housing Assistance Payments programs, the Rent Supplement program, the Section 236 program, and the Section 235 homeownership assistance program.

This new rule will provide that alien status must be verified with the Immigration and Naturalization Service by the entity responsible for tenant selection (or for approval of a Section 235 mortgage application).

**Timetable:**

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41038
NPRM Comment Period End	12/19/88	53 FR 41038
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Additional Information:** ADDITIONAL CONTACT PERSON (Public and Indian Housing):

Edward Whipple, Director, Rental and Occupancy Branch, Office of Public Housing, (202) 708-0744

**Agency Contact:** James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, 202 708-3944

**RIN:** 2501-AA63

**1373. HOPE GRANT PROGRAMS; INTERIM REGULATIONS RELATED TO THE HOPE PROGRAMS (S-4-91; FR-2965)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1709; 42 USC 1715b

**CFR Citation:** 24 CFR 203; 24 CFR 234



## HUD—HUDSEC

## Final Rule Stage

**Legal Deadline:** None

**Abstract:** This rule amends the regulations at 24 CFR parts 203 and 234 to make certain changes to the FHA Single Family Mortgage Insurance program regulations in support of the new HOPE Grant Programs, authorized by Title IV of the Cranston-Gonzalez National Affordable Housing Act (NAHA). In the single family FHA mortgage insurance programs, there is a requirement for a down payment by the mortgagor in cash or the equivalent. The NAHA creates an exception to this requirement for the HOPE programs. The NAHA provides that the required down payment may be paid by a corporation or person other than the mortgagor if the mortgage covers a unit under the HOPE program. Accordingly, this rule amends the regulations at parts 203 and 234 to reflect this exception.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/04/91	56 FR 4476
Interim Final Rule Effective	02/04/91	
Interim Final Rule Comment Period End	05/06/91	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Margaret Milner, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Housing, 202 708-4542

**RIN:** 2501-AB08

**1374. MORTGAGEE APPROVAL REFORM AND DIRECT ENDORSEMENT EXPANSION (S-17-91; FR-2854)**

**Legal Authority:** 12 USC 1709; 12 USC 1715(a); 42 USC 3535(d)

**CFR Citation:** 24 CFR 203.1-9; 24 CFR 200.164(h); 24 CFR 24

**Legal Deadline:** None

**Abstract:** This rule would amend the regulations which set forth the requirements for approval of mortgagees to participate in the FHA mortgage insurance programs and to maintain their approval status. The rule would establish new standards and

requirements for mortgagee approval. The new standards would include an increase in the net worth requirements for both FHA-approved mortgagees and loan correspondents. The purpose of the rule is to ensure that only responsible and soundly capitalized mortgagees participate in the FHA programs.

**Timetable:**

Action	Date	FR Cite
NPRM	06/25/91	56 FR 29100
NPRM Comment Period End	08/26/91	
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** William M. Heyman, Director, Office of Lender Activities, Land Sales Regulation, Department of Housing and Urban Development, Office of the Secretary, 202 708-1824

**RIN:** 2501-AB16

**1375. EXCLUSION FROM INCOME OF EARNED INCOME TAX CREDIT (S-12-91; FR-3025)**

**Legal Authority:** PL 101-508

**CFR Citation:** 24 CFR 215; 24 CFR 236; 24 CFR 813; 24 CFR 913; 24 CFR 905

**Legal Deadline:** None

**Abstract:** Effective Jan. 1, 1991, the earned income tax credit is required by a change in tax law to be excluded from income and resources in the determination of eligibility and level of benefits under HUD's assisted housing programs. This change requires removal of the rule provision that specifically included earned income tax credits in income, as well as reissuance of the notice that specified statutory exclusions from income.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Local

**Agency Contact:** Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

**RIN:** 2501-AB20

**1376. PREPAYMENT OF A HUD-INSURED MORTGAGE BY AN OWNER OF LOW-INCOME HOUSING (S-10-91; FR-2978)**

**Significance:** Regulatory Program

**Legal Authority:** 12 USC 1401; PL 101-625

**CFR Citation:** 24 CFR 248

**Legal Deadline:** None

**Abstract:** This rule implements sections 601-605 of the Cranston Act, and is intended to preserve affordable, federally-assisted housing by: (1) permitting owners of eligible housing to prepay their HUD-insured mortgages only under certain circumstances; (2) providing incentives to owners to extend the low-income use of the housing; and (3) permitting owners to transfer the low-income housing to qualified purchasers, but only after priority purchasers (residents, nonprofits and public agencies) are given a right of first refusal. In addition, HUD is authorized to provide subsidies to these priority purchasers to acquire and rehabilitate the low-income housing and to fund operating and replacement reserves.

**Timetable:**

Action	Date	FR Cite
NPRM	05/02/91	56 FR 20262
NPRM Comment Period End	07/01/91	
Interim Final Rule	05/08/92	57 FR 11992
Interim Final Rule Effective	05/08/92	
Interim Final Rule Comment Period End	06/08/92	
Final Action	06/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** None

**Agency Contact:** Kevin East, Director, Preservation Division, Office of Preservation & Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 708-2300

**RIN:** 2501-AB14

**1377. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (S-11-92; FR-3178)**

**Legal Authority:** 42 USC 12901

**CFR Citation:** 24 CFR 580



## HUD—HUDSEC

## Final Rule Stage

**Legal Deadline:** None

**Abstract:** This rule will implement a grant program for States and localities that seek to provide housing opportunities for persons with acquired immunodeficiency syndrome and that have a HUD-approved Comprehensive Housing Affordability Strategy in accordance with 24 CFR part 91. It provides for most grants to be made to governments in areas where there are more than 1,500 cases of the syndrome. A few grants will be made to other recipients for special projects of national significance.

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/93	

**Small Entities Affected:** Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Dave Pollack, Director, Program Development Division, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Office of the Secretary, 202 708-1234

**RIN:** 2501-AB41

### 1378. SHELTER PLUS CARE PROGRAM (S-13-91; FR-2877)

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 11301 Stewart B. McKinney Homeless Assistance Act

**CFR Citation:** 24 CFR 582

**Legal Deadline:** Final, Statutory, August 5, 1992.

**Abstract:** The Cranston-Gonzalez National Affordable Housing Act amended the McKinney Act to create a new program for the homeless called Shelter Plus Care. The program provides rental housing assistance, in connection with supportive services to be provided by the recipient from sources other than this program, to homeless persons with disabilities (primarily persons who are seriously mentally ill, have chronic problems with alcohol, drugs, or both, or have AIDS and related diseases). The legislation requires HUD to publish a Notice establishing requirements for the program not later than 120 days after funds first become available for obligation and a regulation based on the Notice within 8 months following date of Notice.

**Timetable:**

Action	Date	FR Cite
Notice	02/04/91	56 FR 4494
Notice Comment Period End	04/05/91	
Notice	12/05/91	56 FR 63626
Notice Comment Period End	02/03/92	
Final Action	11/00/92	

**Small Entities Affected:** Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** James N. Forsberg, Director, Special Needs Assistance Program, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-4300

**RIN:** 2501-AB11

### 1379. REVISED CONGREGATE PROGRAM (SEC. 802) (S-31-91; FR-2990)

**Legal Authority:** 42 USC 8011; PL 101-625

**CFR Citation:** 24 CFR 700

**Legal Deadline:** None

**Abstract:** Section 802 of the Cranston-Gonzalez National Affordable Housing Act establishes a revised congregate housing services program which supersedes the Congregate Housing Services Program under the Congregate Housing Services Act of 1978. The new statutory provisions authorize provision of supportive services to enable frail elderly persons and persons with disabilities to live independently and also the provision of assistance for the retrofitting of dwelling units and common space to meet the special physical needs of residents. HUD and the Department of Agriculture are directed by Section 802(m) to jointly issue any necessary regulations within 180 days after enactment. No funds were appropriated for this program for FY 1991.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/92	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Agency Contact:** Robert Wilden, Director, Assisted Elderly and Handicapped Housing Division, Department of Housing and Urban Development, Office of Housing, 202 708-2730

**RIN:** 2501-AB34

### 1380. DETERMINATION OF AREAS OF UNDUE CONCENTRATION OF POVERTY-LEVEL POPULATION; AND CONFORMING AMENDMENTS (S-2-92; FR-3256)

**Legal Authority:** 42 USC 3535(d); 42 USC 1437; 42 USC 1441; 42 USC 3608; 42 USC 5301

**CFR Citation:** 24 CFR 800; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 885; 24 CFR 889; 24 CFR 890; 24 CFR 941; 24 CFR 770

**Legal Deadline:** None

**Abstract:** This rule would amend HUD's regulations governing the location of assisted housing projects (site and neighborhood standards) to establish a quantitative standard by which HUD determines whether the location contains an undue concentration (high proportion) of poverty-level population. The existing regulations do not specify how an undue concentration determination will be made. The rule would require projects to be located only in census tracts in which the percentage of people with incomes below the poverty level is less than a stated, fixed percentage, with certain exceptions. The purpose of this rule is to provide for a more objective standard for determining undue concentration of lower-income households.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** David E. Shenk, Director, Division of Economic & Market Analysis, Department of Housing and Urban Development, Policy Development and Research, 202 708-0577

**RIN:** 2501-AB37



## HUD—HUDSEC

## Final Rule Stage

**1381. LEAD-BASED PAINT POISONING PREVENTION ACT—STEWART B. MCKINNEY HOMELESS ASSISTANCE AMENDMENTS OF 1988—SECTION 1088 (S-10-92; FR-2583)****Significance:** Regulatory Program**Legal Authority:** 42 USC 4821; PL 100-628**CFR Citation:** 24 CFR 941; 24 CFR 965; 24 CFR 966; 24 CFR 968; 24 CFR 35**Legal Deadline:** None**Abstract:** The rule implements statutory amendments established by section 1088 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628). The amendments make a number of changes

to the Lead-Based Paint Poisoning Prevention Act, including to what extent abatement in public housing will be for lead in paint of .06 percent by weight of the dry paint film required; adding dust containing lead to the hazard to be abated; adding atomic absorption spectroscopy (AAS) as an acceptable method of testing for lead-based paint and dust containing lead, and deleting testing and abatement of lead-based paint during unit turnover.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/15/91	56 FR 15170
Interim Final Rule Effective	05/15/91	

Action	Date	FR Cite
Interim Final Rule Comment Period End	06/14/91	
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal**Agency Contact:** Arthur S. Newburg, Director, Office of Lead-Based Paint Abatement & Poisoning Prevention, Department of Housing and Urban Development, Office of the Secretary, 202 755-1805**RIN:** 2501-AB46**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of the Secretary (HUDSEC)**

## Completed Actions

**1382. STANDARDS OF CONDUCT (S-1-91; FR-2911)****CFR Citation:** 24 CFR 0**Completed:**

Reason	Date	FR Cite
Final Action	06/29/92	57 FR 28782
Final Action Effective	07/29/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Garry Phillips, 202 708-3815**RIN:** 2501-AB18**1384. BOARD OF CONTRACT APPEALS (S-24-91; FR-3120)****CFR Citation:** 24 CFR 20.3; 24 CFR 20.10 rule 16**Completed:**

Reason	Date	FR Cite
Final Action	05/12/92	57 FR 20200
Final Action Effective	06/11/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** David T. Anderson, 202 708-5110**RIN:** 2501-AB28**1383. RULEMAKING POLICIES AND PROCEDURES—PUBLIC COMMENT PERIODS (S-23-91; FR-3115)****CFR Citation:** 24 CFR 10.1**Completed:**

Reason	Date	FR Cite
Withdrawn - Merged with RIN 2501-AB43 (FR-3292)	08/04/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Grady J. Norris, 202 708-3055**RIN:** 2501-AB27**1385. MORTGAGEE REVIEW BOARD (S-8-90; FR-2801)****CFR Citation:** 24 CFR 25; 24 CFR 202**Completed:**

Reason	Date	FR Cite
Final Action	07/13/92	57 FR 31048
Final Action Effective	08/12/82	

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** William Heyman, 202 708-1824**RIN:** 2501-AB01**1386. COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS) - (S-15-91; FR-2932)****Significance:** Regulatory Program**CFR Citation:** 24 CFR 91**Completed:**

Reason	Date	FR Cite
Final Action	09/01/92	57 FR 40038
Final Action Effective	10/01/92	

**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local, State**Agency Contact:** David Cohen, 202 708-2685**RIN:** 2501-AB13**1387. PROCEDURES TO MAKE PROPERTY AVAILABLE UNDER TITLE V OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT (S-8-89; FR-2620)****CFR Citation:** 24 CFR 581; 45 CFR 12**Completed:**

Reason	Date	FR Cite
Withdrawn	07/13/92	

**Small Entities Affected:** Businesses**Government Levels Affected:** Local, State, Federal



## HUD—HUDSEC

## Completed Actions

**Agency Contact:** James Forsberg, 202 708-4300

**RIN:** 2501-AA87

**1388. SECTION 8 HOUSING QUALITY STANDARDS; SMOKE DETECTORS (P-7-92; FR-3081)**

**CFR Citation:** 24 CFR 882.109; 24 CFR 886.113; 24 CFR 887.251; 24 CFR 885.429; 24 CFR 885.717; 24 CFR 886.307; 24 CFR 965; 24 CFR 207; 24 CFR 221; 24 CFR

236; 24 CFR 880.207; 24 CFR 881.207; 24 CFR 883.310; 24 CFR 884.110; 24 CFR 213; ...

**Completed:**

Reason	Date	FR Cite
Final Action	07/30/92	57 FR 33846
Final Action Effective	08/31/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Gerald Benoit, 202 708-0477

**RIN:** 2501-AB39

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

## Proposed Rule Stage

## Office of Housing (OH)

**1389. PRE-FORECLOSURE SALE OPTION (H-12-89; FR-2682)**

**Legal Authority:** 12 USC 1710

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** Section 1064 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 authorizes HUD to add pre-foreclosure sales to its roster of servicing options, as a means of saving the Department money and of assisting qualified mortgagors to avoid foreclosure of their FHA-insured mortgages. The Department is now able to pay a claim to a mortgagee to "bridge the gap" between the proceeds of a sale of the property to a third party buyer at current fair market value, and the original owner's indebtedness under the note. Until the Department received the authorization to pay these claims, such pre-foreclosure sales (or "short sales," as they are also known) were impracticable. At this time, a six to twelve month demonstration of pre-foreclosure sales is being conducted in five local HUD offices; subsequently, full implementing regulations will be issued to introduce the pre-foreclosure sale option throughout the Department.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Joseph C. Bates, Director, Single Family Servicing Division, Department of Housing and

Urban Development, Office of Housing, 202 708-1672

**RIN:** 2502-AE72

**1390. INCOME ELIGIBILITY FOR TENANCY IN NEW CONSTRUCTION UNITS (H-20-91; FR-3030)**

**Legal Authority:** PL 101-625

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** This rule would require Section 8 new construction and substantial rehabilitation projects assisted under Section 8(b)(2) as it existed before 10/01/83, and with a contract for assistance under such section, to be occupied by "low-income" and "very low-income families."

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Agency Contact:** James J. Tahash, Director, Planning & Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

**RIN:** 2502-AF41

**1391. CHANGES TO THE MINIMUM PROPERTY STANDARDS (H-40-88; FR-2599)**

**Significance:** Regulatory Program

**Legal Authority:** 12 USC 1701 to 1715z-18

**CFR Citation:** 24 CFR 200

**Legal Deadline:** None

**Abstract:** This proposed rule would amend 24 CFR part 200 by (1) referencing the latest editions of private sector standards presently in the MPS; (2) standardizing requirements to control termites and wood decay; (3) revising the time for periodic changes to the MPS; and (4) making technical changes to Section 100-1.2 and 100-1.3 Housing for the Elderly and Requirements for Accessibility to Physically Handicapped People in HUD Handbook 4910.1.

**Timetable:**

Action	Date	FR Cite
NPRM	11/05/90	55 FR 46632
NPRM Comment Period End	01/04/91	

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Donald R. Fairman, Chief, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, 202 708-0718

**RIN:** 2502-AE64

**1392. APPRAISALS (H-16-91; FR-3027)**

**Legal Authority:** 12 USC 1708(e); 12 USC 1715(b)

**CFR Citation:** 24 CFR 200; 24 CFR 203; 24 CFR 206; 24 CFR 207; 24 CFR 213; 24 CFR 221; 24 CFR 223; 24 CFR 234; 24 CFR 267

**Legal Deadline:** None

**Abstract:** This proposed rule would establish minimum standards for (1) the real estate appraisals used in determining the maximum insurable



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mortgage amount in most FHA single family and multifamily transactions and (2) the selection of appraisers by mortgagees.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Morris Carter, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 708-2700

**RIN:** 2502-AF25

**1393. MINIMUM PROPERTY STANDARDS SEISMIC SAFETY (H-18-91; FR-3029)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 200.925

**Legal Deadline:** NPRM, Statutory, February 1, 1993.

National Affordable Act of 1990, Sec. 947 & E.O 12699 on Seismic Safety.

**Abstract:** Regulations pertaining to Minimum Property Standards and Housing Quality Standard will be revised to adopt seismic safety standards for all housing programs to comply with Section 947 of the National Affordable Housing Act of 1990, which requires compliance with Executive Order 12699 on Seismic Safety.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Local, State

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Henry Omson, Manufacturing Housing & Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 708-0798

**RIN:** 2502-AF26

**1394. SEISMIC SAFETY—EARTHQUAKE HAZARD REDUCTION (H-45-91; FR-3130)**

**Legal Authority:** 42 USC 12712

**CFR Citation:** 24 CFR 200; 24 CFR 207

**Legal Deadline:** None

**Abstract:** Under section 947 of the Cranston-Gonzalez National Affordable Housing Act, HUD must assess the risk of earthquake-related damage to properties administered under HUD programs and must develop seismic safety standards for those properties. Similar responsibilities are placed upon HUD and other Federal agencies by E.O. 12699 of January 5, 1990.

This rule would provide for the execution of these earthquake hazard policies in permanent agency policy.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State, Federal

**Additional Information:** E.O. 12699 requires regulations in place to comply with the order's requirements by 1/5/93.

**Agency Contact:** John Bonkoski, Office of Housing Environmental Officer, Department of Housing and Urban Development, Office of Housing, 202 708-1740

**RIN:** 2502-AF60

**1395. ● USE OF MATERIALS BULLETIN USED IN THE HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM (H-1-92; FR-3210)**

**Legal Authority:** 12 USC 1701 to 1715z; 12 USC 1716; 12 USC 1717; 12 USC 1717

**CFR Citation:** 24 CFR 200

**Legal Deadline:** None

**Abstract:** This proposed rule would adopt the following Use of Materials Bulletins (UMBs): b-Aluminium Fenestration Products; 44d-- Carpet; 59b-Wood Fenestration Products; 71a-Polystyrene Foam Insulation Board; 72a-Carpet Cushion; 82a-Sealed Insulating Glass Units; 85a Poly (vinyl chloride) (PVC) Fenestration Products; 89-Steel Insulated Door Systems; and

100-Solar Water Heating Systems. This rule would also reference related national voluntary consensus standards.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Agency Contact:** Leslie Breden, Manufactured Housing & Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 708-1929

**RIN:** 2502-AF62

**1396. ● PROCESSING COMMITMENT FEES FOR MULTIFAMILY INSURANCE APPLICATIONS (H-13-92; FR-3252)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 200; 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 234; 24 CFR 241; 24 CFR 242; 24 CFR 244

**Legal Deadline:** None

**Abstract:** The regulation will amend existing multifamily mortgage insurance regulations to: (1) increase processing/commitment fees; (2) recognize feasibility processing stage; (3) require a preapplication conference; and (4) eliminate the conditional commitment stage for all but section 223(f) acquisition/ refinancing cases.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Linda D. Cheatham, Director, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, Office of Housing, 202 708-3000

**RIN:** 2502-AF74

**1397. NONDISCRIMINATION ON BASIS OF MORTGAGE CHARGE RATES BY MORTGAGEES ON THE BASIS OF GEOGRAPHICAL (TIERED PRICING) (H-14-91; FR-3021)**

**Significance:** Agency Priority



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**Legal Authority:** 12 USC 1709; 42 USC 3535(d)

**CFR Citation:** 24 CFR 203

**Legal Deadline:** None

**Abstract:** The rule prohibits FHA mortgagees from making or holding home mortgages where customary lending practices of the mortgagee provide for a variation in mortgage charge rates that exceeds 2 percent for insured mortgages located within a particular area. A procedure is also established under which any person may file a request that the Secretary determine whether a mortgage is in compliance with this area's nondiscrimination requirement.

**Timetable:**

Action	Date	FR Cite
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NPRM	12/00/92	
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**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** William Heyman, Director, Office of Lender Activities, Department of Housing and Urban Development, Office of Housing, 202 703-3046

**RIN:** 2502-AF29

**1398. MORTGAGE LIMITS FOR HIGH COST AREA (H-40-91; FR-3121)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 203.18b(a)

**Legal Deadline:** None

**Abstract:** Remove the requirement that the Secretary must publish increases in mortgage limits before the limit can become effective. Revised regulation would permit the use of the higher mortgage limit upon approval of the new limit by the Secretary. HUD will continue to publish a complete list of high cost areas once each year.

**Timetable:**

Action	Date	FR Cite
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NPRM	11/00/92	
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**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Morris Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 708-2700

**RIN:** 2502-AF54

**1399. ● CHANGES TO REIMBURSEMENT FOR PRESERVATION AND PROTECTION EXPENDITURES (H-2-92; FR-3216)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 203.402(f); 24 CFR 203.402(g)

**Legal Deadline:** None

**Abstract:** Currently, section 203.402(g) authorizes mortgagees to be reimbursed 100% for all allowable expenses made for preservation and protection of properties until conveyance to HUD. There is little incentive for mortgagees to keep costs down. HUD has experienced problems with mortgagees exceeding established limits without approval and submitting claims for inappropriate expenditures. Requiring a two-thirds cap on reimbursements will provide a financial incentive for the mortgagees to cooperate in reducing expenses.

Tighter internal controls within a mortgagee's own operation ideally would improve due to the sharing of expenses and this would decrease demands on HUD's insurance funds.

24 CFR 203.402(g) would be changed to reflect a two-thirds reimbursement. Additionally, HUD is recommending removing the reference in 203.402(g) to eviction costs and moving it to 203.402(f), which covers foreclosure and other costs of acquiring the property.

**Timetable:**

Action	Date	FR Cite
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**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Jacqueline B. Campbell, Director, Single Family Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 703-0740

**RIN:** 2502-AF63

**1400. ● SINGLE-FAMILY PROPERTY DISPOSITION PROGRAM (H-14-92; FR-3253)**

**Legal Authority:** 12 USC 1709; 12 USC 1710; 12 USC 1715(b); 12 USC 1715(u); 12 USC 3535(d)

**CFR Citation:** 24 CFR 203; 24 CFR 291

**Legal Deadline:** None

**Abstract:** This proposed rule will modify the existing procedures governing (1) 291.105 maximum closing costs HUD will pay, (2) 291.110 direct sales to government entities and non-profit organizations, and (3) 291.130 extensions to the contract closing time requirement. (1) 291.105 provides that the closing costs HUD will pay may not exceed 6%. (2) 291.110 permits direct sales to government entities and nonprofit organizations at a discount of 10% off the list price. It is now proposed, for both (1) and (2), that the pre-set amount(s) be discontinued and that the Assistant Secretary for Housing have the discretion to determine the amount(s) as circumstances warrant. (3) 291.130 requires any request to extend the closing date to be accompanied by a predetermined fee. It is now proposed that owner-occupant purchasers be granted the initial 15 day extension at no cost if documentation is provided which indicates that proper and timely loan application was made, that the delayed closing is not the fault of the buyer, and that mortgage approval is imminent.

**Timetable:**

Action	Date	FR Cite
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**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Jacqueline B. Campbell, Director, Single Family Property Disposition Division, Department of Housing and Urban Development, Office of Housing, 202 708-0740

**RIN:** 2502-AF75

**1401. HOME EQUITY CONVERSION MORTGAGE INSURANCE DEMONSTRATION (H-7-91; FR-2958)**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-625

**CFR Citation:** 24 CFR 206

**Legal Deadline:** None

**Abstract:** Section 255 of the National Housing Act authorizes HUD to carry out a demonstration program for insuring mortgages on the homes of elderly homeowners, enabling the homeowners to convert the equity in



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their homes into cash. Section 255 authorized HUD to insure up to 2,500 mortgages under this demonstration program until September 30, 1991. Section 334 of the 1990 National Affordable Housing Act amended Section 255 to: extend the program to September 30, 1995; increase the size of the program to 25,000 mortgages; and make other program changes, including specifying types of loans available to mortgagors, and imposing certain disclosure requirements on lenders. Section 334(a), which extends the program and increases the number of insurable mortgages, will be implemented by final rule. The remaining provisions of Section 334, which require regulatory elaboration, will be implemented by proposed rule.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sandy Krems, Program Specialist, Single Family Housing Division, Department of Housing and Urban Development, Office of Housing, 202 708-2676

**RIN:** 2502-AF32

**1402. SECTION 223(D) OPERATING LOSS LOAN INSURANCE (H-35-90; FR-2692)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 207.4(f); 24 CFR 213.7(k); 24 CFR 220.507(e); 24 CFR 221.514(e); 24 CFR 231.7; 24 CFR 232.31a; 24 CFR 234.531; 24 CFR 242.95; 24 CFR 244.38

**Legal Deadline:** None

**Abstract:** Proposed rule will implement section 427 of the HCD Act of 1987 expanding Section 223(d) Operating Loss Loan Insurance to cover operating losses (and other forms of cash contributions) for any consecutive 24-month period within the first 10 years after the date of completion of a HUD-insured multifamily housing project.

**Timetable:**

Action	Date	FR Cite
NPRM	08/18/92	57 FR 37119
NPRM Comment Period End	10/19/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Linda Cheatham, Director, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, Office of Housing, 202 703-3000

**RIN:** 2502-AF14

**1403. CONTROL OF LUXURY HOUSING INSURED BY THE DEPARTMENT (H-12-92; FR-3223)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 207.4; 24 CFR 204.32a; 24 CFR 213.7; 24 CFR 220.507; 24 CFR 221.514; 24 CFR 231.3; 24 CFR 236.12

**Legal Deadline:** None

**Abstract:** The regulation will propose limitations on program acceptance of properties for mortgage insurance. These limitations will affect the maximum mortgage determination and project eligibility by: (1) imposing maximum rent levels; (2) disallowing commercial space in new construction unless specifically approved by the Commissioner, for all rental programs except section 220. For existing properties, whether proposed for purchase, refinancing or substantial rehabilitation, existing commercial space will be retained to a maximum; and (3) limiting interior common areas for new construction and substantial rehabilitation (where current design permits) to 10 percent of the gross floor area.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Howard D. Mayfield, Director, Multifamily Housing Technical Support Division, Department of Housing and Urban Development, Office of Housing, 202 708-0035

**RIN:** 2502-AF76

**1404. RENT CHANGES IN SECTION 236 AND 221 PROJECTS (H-12-91; FR-2977)**

**Legal Authority:** PL 101-625; 42 USC 3535(d)

**CFR Citation:** 24 CFR 236; 24 CFR 221

**Legal Deadline:** None

**Abstract:** Ceiling rent must be applied to tenants whose income exceeds 80 percent of median income--ceiling is lower of 30 percent of adjusted income or Section 8 Fair Market Rent (Sec. 612 of C-G).

HUD permitted to authorize increases in basic rents to cover return of capital for capital improvements (Sec. 611(b) of C-G).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Agency Contact:** James Tabash, Director, Planning and Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

**RIN:** 2502-AF39

**1405. MORTGAGE INSURANCE FOR HOSPITALS; INSURANCE OF MORTGAGES COVERING EXISTING HOSPITALS (H-31-91; FR-3083)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 242

**Legal Deadline:** None

**Abstract:** Revision will permit conventionally financed existing hospitals to received mortgage insurance under Section 242 pursuant to Section 223(f). Regulations now limit such mortgage insurance to health facilities that are currently insured by HUD. Existing projects may be purchased or refinanced without substantial rehabilitation under Section 242/223(f).

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None



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**Agency Contact:** Lisa Bolden, Director, Hospital Mortgage Insurance Staff, Department of Housing and Urban Development, Office of Housing, 202 708-3609

**RIN:** 2502-AF47

#### 1406. TENANT PROTECTION (H-38-91; FR-3105)

**Significance:** Regulatory Program

**Legal Authority:** PL 101-625

**CFR Citation:** 24 CFR 247.3(c); 24 CFR 880.607(b)(3); 24 CFR 881.607(b)(3); 24 CFR 883.708(b)(3)

**Legal Deadline:** None

**Abstract:** This regulation will make it a material noncompliance of the lease for the tenant or any guest or member of the household to: a) engage in any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants or b) engage in any drug-related criminal activities on or near the premises.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local

**Agency Contact:** James Tahash, Director, Planning and Procedures, Department of Housing and Urban Development, Office of Housing, 202 708-3944

**RIN:** 2502-AF52

#### 1407. GNMA REQUEST FOR FULL INSURANCE ON COINSURANCE LOANS (H-19-91; FR-2951)

**Significance:** Agency Priority

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 251; 24 CFR 252; 24 CFR 255

**Legal Deadline:** None

**Abstract:** This rule would revise coinsurance regulations to eliminate the requirement that GNMA attempt to assign the issuer-servicer responsibility on current coinsured mortgages under the Mortgage-Backed Securities program to another approved coinsuring lender prior to requesting full insurance endorsements by FHA.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Donald A. Kaplan, Director, Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, 202 708-3730

**RIN:** 2502-AF34

#### 1408. ● NEHEMIAH HOUSING OPPORTUNITY GRANT PROGRAM

**Legal Authority:** 42 USC 1715l

**CFR Citation:** 24 CFR 208

**Legal Deadline:** None

**Abstract:** Present regulations covering the Nehemiah Housing Opportunity Grants Program do not allow recipients to begin construction or substantial rehabilitation on homes until 25% of homes under the program are contracted for sale and required downpayments are made. This amendment to 24 CFR 280 would allow the 25% presale requirement to apply to individual phases of a Nehemiah project under certain conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Joan Morgan, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 708-2676

**RIN:** 2502-AF81

#### 1409. HUD-OWNED AND HUD-HELD MULTIFAMILY PROJECTS—MANAGEMENT AND DISPOSITION INCLUDING PROVISION OF SECTION 8 ASSISTANCE FOR PROJECTS AT FORECLOSURE (H-3-86; FR-2158)

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1437f; 12 USC 3706; 12 USC 3717; 12 USC 1713(k); 12 USC 1701z-11; 12 USC 1701z-12

**CFR Citation:** 24 CFR 290; 24 CFR 886

**Legal Deadline:** None

**Abstract:** This rule would amend HUD regulations to implement section 181 of the Housing and Community Development Act of 1987, section 1010 of the Stewart B. McKinney Homeless Assistance Amendments of 1988, and section 579 of the NAHA. Section 181 expanded the scope of section 203 of the HCD Amendments of 1978 to include projects that are subject to a HUD-held mortgage and are delinquent, under a work out agreement, or being foreclosed upon by HUD. HUD, when it is owner or mortgagee-in-possession, and the owner in other situations now covered by section 203 must, to the greatest extent possible, maintain all such occupied projects in decent, safe, and sanitary condition and maintain full occupancy and must also maintain all such projects for purposes of providing rental or cooperative housing for the longest feasible time. The statute directs HUD to provide not less than one of several specified forms of financial assistance to a purchaser other than HUD at foreclosure, or after sale by the Secretary. Section 1010 further amended section 203 to clarify which units in HUD-held unsubsidized projects (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	08/06/92	57 FR 34834
NPRM Comment Period End	10/05/92	
Final Action	04/00/93	

**Small Entities Affected:** Organizations

**Government Levels Affected:** Local, State

**Additional Information:** ABSTRACT CONT: must be preserved for low and moderate income tenants and to provide procedures under which local governments and designated State agencies have a right of first refusal to purchase HUD-owned multifamily housing projects.

**Agency Contact:** Frank Malone, Director, Office of Preservation and Property Disposition, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housg Programs nt, 202 708-3555

**RIN:** 2502-AD43

#### 1410. AUCTION OF FHA MULTIFAMILY MORTGAGES (H-6-91; FR-3009)

**Significance:** Agency Priority



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**Legal Authority:** 12 USC 1715(g)(4); 42 USC 3535(d)

**CFR Citation:** 24 CFR 290

**Legal Deadline:** None

**Abstract:** Section 336 of the Cranston-Gonzalez National Affordable Housing Act requires HUD, in lieu of accepting assignments of mortgages under Section 221(g)(4) of the NHA for debentures, to arrange the sale of the beneficial interests in those mortgages through an auction and sale of the mortgage loans or participation certificates, or other mortgage-backed obligations acceptable to HUD. HUD must arrange the auction and sale at a price, to be paid to the mortgagee, of par plus accrued interest to the date of the sale.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Frank Malone, Director, Office of Multifamily Housing Preservation & Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 708-3555

**RIN:** 2502-AF27

**1411. DRUG-RELATED RENT ADJUSTMENTS (H-8-91; FR-2960)**

**Significance:** Agency Priority

**Legal Authority:** PL 101-625

**CFR Citation:** 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886

**Legal Deadline:** None

**Abstract:** Section 8(c)(2)(B) of the United States Housing Act of 1937 permits HUD to adjust contract rents covering Section 8 assisted units to reflect increases in certain specified costs of owning and maintaining. Section 542 of the Cranston-Gonzalez National Affordable Housing Act amended Section 8 (c)(2) to provide the Secretary with the authority (subject to the availability of appropriations) to provide for rent adjustments where a project's operating, maintenance, and capital repair expenses have been substantially increased primarily as a result of the prevalence of drug-related activity. This section limits the rent adjustments to a level no greater than

120% of the project rents, to cover the costs of maintenance, security, capital repairs and reserves required for the owner to carry out a strategy acceptable to the Secretary for addressing the problem of drug-related criminal activity.

This proposed rule would implement the provisions of Section 542.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Agency Contact:** James J. Tahash, Director, Planning & Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 708-3944

**RIN:** 2502-AF33

**1412. ANNUAL RENT ADJUSTMENTS FOR SECTION 8 ASSISTED HOUSING; COMPARABILITY STUDIES (H-22-90; FR-2822)**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-235

**CFR Citation:** 24 CFR 888

**Legal Deadline:** NPRM, Statutory, June 17, 1990.

**Abstract:** This rule would outline procedures and criteria for conducting comparability studies for section 8 projects where the Secretary has reason to believe that application of the Annual Adjustment Factors would result in material differences between assisted housing and similar unassisted housing.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Local, State

**Additional Information:** The portion of section 801 of the 1989 Reform Act requiring HUD to make retroactive housing assistance payments to owners whose rents were reduced or limited by comparability studies from 1980 to

present was implemented as a separate rule, effective May 31, 1991.

**Agency Contact:** James Tahash, Director, Policies & Procedures, Department of Housing and Urban Development, Office of Housing, 202 708-3994

**RIN:** 2502-AF01

**1413. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS ON SEISMIC STANDARDS (H-47-91; FR-3099)**

**Legal Authority:** 42 USC 5403; 42 USC 5424; 42 USC 3535(d)

**CFR Citation:** 24 CFR 3280

**Legal Deadline:** None

**Abstract:** Proposed amendments of the Federal Manufactured Home Construction and Safety Standards to account for the impact of earthquake ground movements, as mandated by E.O. 12699 and section 947 NAHA.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Phil Schulte, Chief, Compliance Branch, Department of Housing and Urban Development, Office of Housing, 202 708-1920

**RIN:** 2502-AF67

**1414. MANUFACTURED HOME PROCEDURES AND ENFORCEMENT REGULATIONS; TO IMPLEMENT INSPECTION, DESIGN APPROVAL, CONSUMER COMPLIANT HANDLING AND MONITORING PROGRAM (H-27-91; FR-2985)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 3282; 24 CFR 3283

**Legal Deadline:** None

**Abstract:** HUD solicited public comments on certain changes to the structure of the monitoring program used to enforce the manufactured housing construction and safety standards required by Manufactured Housing Construction and Safety Standards Act of 1974. HUD proposed alternative regulatory structures which would change the current third party design and inspection program and



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system of monitoring and enforcement. These alternative monitoring procedures will provide a more efficient and effective regulatory enforcement program which will assure protection of the consumers, while lessening the burden on the manufactured housing industry. The final rule will propose revisions.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/03/92	57 FR 241
ANPRM	03/04/92	
Comment Period End		
NPRM	02/00/93	
NPRM Comment	04/00/93	
Period End		
Final Action	11/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Agency Contact:** G. Robert Fuller, Director, Manufactured Housing and Construction Standards Division,

Department of Housing and Urban Development, Office of Housing, 202 708-2210

**RIN:** 2502-AF42

**1415. ● REAL ESTATE SETTLEMENT PROCEDURES ACT: ESCROW ACCOUNTING ANALYSIS (H-15-92; FR-3255)**

**Legal Authority:** 12 USC 2609

**CFR Citation:** 24 CFR 3500.17b

**Legal Deadline:** None

**Abstract:** Section 10 of the Real Estate Settlement Procedures Act (RESPA) establishes limits on the amount that lenders/servicers can collect in escrow accounts associated with federally related mortgage loans. When Regulation X, implementing RESPA, was published in 1976, no explication of this section was made. However, in recent years, the Attorneys General of several States have charged that

lenders/servicers were over-escrowing, in contravention of the RESPA limitations in Section 10. The Department has studied this situation, including making an analysis of servicers' practices of all the major servicers, and has concluded that a rule issued by the Department would be advantageous to the servicing industry in clarifying the allowable practices under Section 10 of RESPA.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Grant E. Mitchell, Senior Attorney for RESPA, Department of Housing and Urban Development, Office of the General Counsel, 202 708-1550

**RIN:** 2502-AF77

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Final Rule Stage

Office of Housing (OH)

**1416. MORTGAGE ASSUMABILITY AND RELEASE REQUIREMENTS (H-28-90; FR-2867)**

**Legal Authority:** 12 USC 1709; 12 USC 1715(b)

**CFR Citation:** 24 CFR 200; 24 CFR 203; 24 CFR 234

**Legal Deadline:** None

**Abstract:** This rule would set forth policy not currently in regulations on the subjects of assumability of insured family mortgages and release of personal liability of selling mortgagors. The rule would cover most of the provisions of Section 203(r) of the National Housing Act, and other HUD/FHA policies on assumability and releases currently stated in administrative issuances other than regulations. The rule would include restrictions on assumption by noncreditworthy persons or investors mandated by the HUD Reform Act.

**Timetable:**

Action	Date	FR Cite
NPRM	11/21/91	56 FR 58762
NPRM Comment	01/21/92	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 708-3046

**RIN:** 2502-AF07

**1417. ● TITLE I PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS—DEBT OWED TO THE U.S. UNDER TITLE I (H-18-92; FR-3326)**

**Legal Authority:** 12 USC 1701

**CFR Citation:** 24 CFR 201

**Legal Deadline:** None

**Abstract:** This final rule creates a new subpart G that codifies the existing Title I debt practice and procedures into one subpart, and would be applicable to debts owed to the Department by defaulted borrowers, as well as debts owed to the Department by Title I lenders arising from repurchase demands and unpaid insurance charges.

**Timetable:**

Action	Date	FR Cite
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Final Action 12/00/92

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert J. Coyle, Director, Title I Insurance Division, Department of Housing and Urban Development, Office of Housing, 202 708-2680

**RIN:** 2502-AF80

**1418. HOUSING COUNSELING ACTIVITIES (H-9-90; FR-2753)**

**Legal Authority:** 12 USC 1715z

**CFR Citation:** 24 CFR 214

**Legal Deadline:** None

**Abstract:** This regulation will codify the procedures governing housing counseling activities, which to date have been administered under a handbook; and will incorporate the two sections of the National Affordable Housing Act, Sections 577 and 706(c), which address housing counseling activities.



HUD—OH

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/91	56 FR 58158
NPRM Comment	01/14/92	
Period End		
Final Action	11/00/92	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Thomas Miles, Acting Chief, Secretary-Held and Counseling Services Branch, Department of Housing and Urban Development, Office of Housing, 202 708-1672

**RIN:** 2502-AE92

**1419. REMOVAL OF CODIFIED LANGUAGE FOR INACTIVE TEMPORARY MORTGAGE ASSISTANCE PAYMENTS PROGRAM (H-18-90; FR-2791)**

**Legal Authority:** 12 USC 1715b

**CFR Citation:** 24 CFR 203; 24 CFR 204

**Legal Deadline:** None

**Abstract:** This final rule removes from the Code of Federal Regulations language concerning the Temporary Mortgage Assistance Payments (TMAP) program that has never been made effective. Since the Code now contains two sets of provisions pertaining to assistance to homeowners in default on FHA-insured mortgages that bear overlapping section numbers, this rule is needed to remove the TMAP provisions and to make technical changes in the provisions governing under section 230(b) of the National Housing Act. Among the technical changes is a requirement that a mortgagee inform a mortgagor of the possible right to assignment before it accepts a deed in lieu of foreclosure from the mortgagor.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** John J. Coonts, Director, Office of Insured Single Family Housing, Department of Housing

and Urban Development, Office of Housing, 202 708-3046

**RIN:** 2502-AE99

**1420. SINGLE FAMILY SERVICING; MISCELLANEOUS AMENDMENTS (H-23-90; FR-2853)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 203

**Legal Deadline:** None

**Abstract:** This final rule would amend miscellaneous provisions of part 203 regarding the servicing of insured mortgages on single family housing. Specifically, the rule would amend the regulations (1) to require mortgagees to begin foreclosure proceedings on mortgages in default within 6 months of default; (2) to require commencement of foreclosure on abandoned or vacant property in default within 30 days after discovery; (3) to require mortgagees to repair any damage to the property that occurs while the property is in the mortgagee's possession; and (4) other amendments regarding deficiency judgments, title defects, completion of foreclosure, and notice of transfer of servicing.

**Timetable:**

Action	Date	FR Cite
NPRM	04/25/91	56 FR 19212
NPRM Comment	06/24/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joseph Bates, Acting Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 708-2676

**RIN:** 2502-AF02

**1421. MINIMUM MORTGAGOR EQUITY APPLICABLE TO MOST FHA SINGLE FAMILY MORTGAGORS (H-3-91; FR-2939)**

**Significance:** Regulatory Program

**Legal Authority:** 12 USC 1715(b); 42 USC 3535(d)

**CFR Citation:** 24 CFR 203; 24 CFR 204; 24 CFR 222; 24 CFR 226; 24 CFR 234; 24 CFR 240

**Legal Deadline:** None

**Abstract:** This rule implements section 2101 of the Omnibus Budget Reconciliation Act of 1990. That section establishes a minimum equity requirement applicable to most FHA single family mortgages.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/02/91	56 FR 20314
Interim Final Rule Effective	07/01/91	56 FR 24628
Interim Final Rule Comment	07/29/91	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 708-3046

**RIN:** 2502-AF18

**1422. SINGLE FAMILY INSURANCE—SECONDARY HOMES (H-17-91; FR-2981)**

**Legal Authority:** 12 USC 1709(c); 42 USC 3535(d)

**CFR Citation:** 24 CFR 203

**Legal Deadline:** None

**Abstract:** The rule prohibits the Secretary of HUD from insuring mortgages with respect to secondary residences unless the Secretary determines that it is necessary to avoid undue hardship to the mortgagor. In no event may a mortgage covering a vacation home be insured.

**Timetable:**

Action	Date	FR Cite
NPRM	10/30/91	56 FR 55855
NPRM Comment	12/30/91	
Period End		
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Prohibition in rule applies to mortgagor insured 60 days after enactment of Cranston-Gonzalez National Affordable Housing Act.

**Agency Contact:** John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of



HUD—OH

Final Rule Stage

Housing and Urban Development,  
Office of Housing, 202 708-3046

RIN: 2502-AF37

**1423. AMENDMENT TO WAIVER OF TITLE (H-37-91; FR-3103)**

**Legal Authority:** 12 USC 1709; 12 USC 1715b; 42 USC 3535(d)

**CFR Citation:** 24 CFR 203.390

**Legal Deadline:** None

**Abstract:** The rule amendment would exclude liens in states without purchase money mortgage priority laws from HUD's waiver provisions.

**Timetable:**

Action	Date	FR Cite
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 708-3046

RIN: 2502-AF51

**1424. ELECTRONIC SUBMISSION OF UP-FRONT MORTGAGE INSURANCE PREMIUMS (H-46-91; FR-3131)**

**Legal Authority:** 42 USC 3535(d); 12 USC 1715u

**CFR Citation:** 24 CFR 203; 24 CFR 204

**Legal Deadline:** None

**Abstract:** This rule proposes that the sole method of payment of Up-Front Mortgage Insurance Premiums collection, in accordance with 24 CFR 203.280, be by means of electronic submission through the use of the Automated Clearing House program. The purpose of this rule is to improve the efficiency of the single family mortgage insurance program.

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/92	57 FR 24424
NPRM Comment Period End	08/10/92	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Min-Li Chung, Chief, Systems Management Branch, Office of Comptroller, Department of Housing

and Urban Development, Office of Housing, 202 708-0467

RIN: 2502-AF61

**1425. ● MORTGAGE INSURANCE PREMIUMS—15-YEAR MORTGAGES (H-16-92; FR-3279)**

**Legal Authority:** 42 USC 3535(d); 12 USC 1715(b); 12 USC 1709(h)

**CFR Citation:** 24 CFR 203; 24 CFR 204

**Legal Deadline:** None

**Abstract:** This rule provides for a reduced premium applicable to 15-year FHA-insured mortgages that are liabilities of the Mutual Mortgage Insurance Fund. The purposes of the rule are to provide for a more equitable premium structure for these lower risk mortgages, and to achieve the operational goals set out in section 2105 of the Omnibus Budget Reconciliation Act of 1991.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/14/92	57 FR 46980
Comment Period End	12/14/92	
Final Action	02/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John J. Coonts, Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 708-3046

RIN: 2502-AF78

**1426. ● EFFECT OF ACQUISITION OF TITLE BY MORTGAGEE OR THE SECRETARY ON TITLE INSURANCE POLICY (H-3-92; FR-3224)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 207

**Legal Deadline:** None

**Abstract:** Current regulations require a mortgagee to furnish a survey and a policy of title insurance or its equivalent as a prerequisite to the closing of an insured multifamily housing loan. If a mortgagee subsequently chooses to exercise its right to assign a mortgage to HUD, it must submit an owner's title policy in favor of HUD that is effective on the date that the project is conveyed to the Secretary. This rule would amend HUD

regulations deleting the phrase "it will become an owner's policy running to the mortgagee or the Secretary as the case may be," and substituting "it will continue to provide the same coverage as the original policy, and will run to the mortgagee or the Secretary, as the case may be." This will allow HUD to decide on a case-by-case basis to either purchase an owner's policy at its own expense, or self-insure the time period between assignment and foreclosure.

**Timetable:**

Action	Date	FR Cite
Final Action	01/00/93	
Final Action Effective	02/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** David Cooper, Assistant General Counsel for Multifamily Insurance, Department of Housing and Urban Development, Office of the General Counsel, 202 708-4090

RIN: 2502-AF64

**1427. ● REVISION OF THREE YEAR REQUIREMENT FOR SUBMISSION OF PROJECTS INSURED UNDER SECTION 223(F) (H-20-92; FR-3330)**

**Legal Authority:** 42 USC 3535(d); 12 USC 1715(b)

**CFR Citation:** 24 CFR 207

**Legal Deadline:** None

**Abstract:** Currently, multifamily projects proposed for insurance pursuant to Section 223(f) (purchase or refinancing of existing multifamily housing projects) must have been completed (or substantially rehabilitated) for three years prior to submission for Section 223(f) insurance. This rule would reduce that time period to one year.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Jessica Franklin, Director, Policies & Procedures Div., Department of Housing and Urban



HUD—OH

Final Rule Stage

Development, Office of Housing, 202 708-2556

RIN: 2502-AF82

**1428. COMPUTER AUTOMATION OF REQUIRED DATA FOR CERTIFICATION AND RECERTIFICATIONS SUBSIDY BILLING PROCEDURES FOR CERTAIN MULTIFAMILY SUBSIDIZED PROJECTS (H-2-88; FR-2421)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 208

**Legal Deadline:** None

**Abstract:** This rule would require owners of certain multifamily subsidized projects to automate the information and transmission of HUD forms and worksheets for certification and recertification of compliance with HUD's tenant eligibility and rent procedures, and the computation of tenant rent/payment and the monthly subsidy billing forms, as applicable. This rule would apply to multifamily projects under the following program: section 236 rental assistance payments, section 8 housing assistance payments, section 221(d)(5), below market interest rate housing for low and moderate income mortgage insurance, and section 101 rent supplements.

**Timetable:**

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20649
NPRM Comment	07/21/88	53 FR 20649
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AE26

**1429. 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 section 236 projects financed by state housing agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48276
NPRM Comment	02/19/88	52 FR 48276
Period End		
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 708-3944

RIN: 2502-AC73

**1430. ● REVISION TO THE SECTION 235(R) REFINANCE PROGRAM (H-7-92; FR-3245)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 235.4

**Legal Deadline:** None

**Abstract:** This revised final rule changes the Section 235(r) Refinance Program as set forth in the final rule that was published in the Federal Register (N-91-3219; FR-2739). The revised rule allows the lender to change a premium interest rate to recoup the costs of refinancing and the cash financial incentive paid to the borrower.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	
Final Action	11/00/92	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert E. Falkenstein, Jr., Special Assistant, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 708-2720

RIN: 2502-AF69

**1431. ● DEFINITION OF "ELDERLY FAMILY" IN PART 236 (H-17-92; FR-3286)**

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 236.2

**Legal Deadline:** None

**Abstract:** This rule would change the interpretation of the definition of "elderly family" in Part 236 to delete reference to disabled or handicapped persons. This change would permit the Department to restrict admission to rental units for the elderly class only.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** James Tahash, Director, Planning and Procedures Div. Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AF79

**1432. ● DEBENTURE LOCK AGREEMENTS FOR PAYMENT OF FHA INSURANCE CLAIMS (H-4-91; FR-2949)**

**Legal Authority:** 42 USC 3535(d); 12 USC 1713

**CFR Citation:** 24 CFR 242

**Legal Deadline:** None

**Abstract:** This rule authorizes HUD to enter into agreements providing that, in the event of a mortgage insurance claim, HUD will make payment on the claim in the form of debentures rather than cash.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Agency Contact:** Donald A. Kaplan, Director, Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, 202 708-3730

RIN: 2502-AF28

**1433. LOW-INCOME TERM (H-35-91; FR-3046)**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-625



## HUD—OH

## Final Rule Stage

**CFR Citation:** 24 CFR 811; 24 CFR 812; 24 CFR 813; 24 CFR 842; 24 CFR 880; 24 CFR 881; 24 CFR 833; 24 CFR 884; 24 CFR 886

**Legal Deadline:** None

**Abstract:** In accordance with recent statutory changes in terminology, this final rule will replace, at various points in HUD's regulations, the terms "lower-income families" and "lower-income housing" with reference to "low-income" families and housing.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mr. James Tahash, Director, Planning and Procedures, Department of Housing and Urban Development, Office of Housing, 202 708-3944

**RIN:** 2502-AF50

**1434. MANAGEMENT RULES FOR EXISTING PROJECTS FOR THE ELDERLY (H-34-83; FR-1761)**

**Legal Authority:** 12 USC 1701q; 42 USC 3535(d)

**CFR Citation:** 24 CFR 885

**Legal Deadline:** None

**Abstract:** This final rule will amend HUD's regulations governing projects that received direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1987. The regulation adds regulatory provisions to govern section 202/8 project operations and management; incorporates changes required by statutory requirements governing housing assistance payments contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46614
NPRM Comment Period End	02/08/88	52 FR 46614
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Robert Wilden, Director, Assisted Elderly & Handicapped Housing Div., Department

of Housing and Urban Development, Office of Housing, 202 708-2730

**RIN:** 2502-AC03

**1435. SUPPORTIVE HOUSING FOR THE ELDERLY (H-9-91; FR-2956)**

**Significance:** Agency Priority

**Legal Authority:** PL 101-625

**CFR Citation:** 24 CFR 885; 24 CFR 889

**Legal Deadline:** None

**Abstract:** This rule, arising out of an amendment included as section 801 of the National Affordable Housing Act, enables HUD to assist private nonprofit organizations and consumer cooperatives, through capital advances and project rental assistance, to expand the supply of supportive housing for the elderly. Such assistance may be used to finance the construction, reconstruction, or moderate or substantial rehabilitation of a structure or a portion of a structure, or the acquisition of a structure from the Resolution Trust Corporation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/12/91	56 FR 27104
Interim Final Rule Effective	07/12/91	
Interim Final Rule Comment Period End	08/12/91	
Final Action	02/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert Wilden, Director, Assisted Elderly and Handicapped Division, Department of Housing and Urban Development, Office of Housing, 202 708-2730

**RIN:** 2502-AF19

**1436. SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY (DEVELOPMENT) (H-4-92; FR-3229)**

**Legal Authority:** 12 USC 1701q

**CFR Citation:** 24 CFR 889

**Legal Deadline:** None

**Abstract:** This rule provides for the requirements (capital advances and project rental assistance contracts) of the new Supportive Housing for the Elderly Program which were not covered in the interim rule, published on June 12, 1991, at 56 FR 27104.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36338
Interim Final Rule Effective	09/11/92	
Interim Final Rule Comment Period End	10/13/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert W. Wilden, Director, Housing for the Elderly and Handicapped People Division, Department of Housing and Urban Development, Office of Housing, 202 708-2730

**RIN:** 2502-AF65

**1437. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES (H-10-91; FR-2974)**

**Significance:** Agency Priority

**Legal Authority:** PL 101-625

**CFR Citation:** 24 CFR 890

**Legal Deadline:** None

**Abstract:** This rule enables HUD to assist private nonprofit organizations, through capital advances and project rental assistance, to expand the supply of supportive housing for persons with disabilities. Such assistance may be used to finance the acquisition and moderate rehabilitation, construction, and reconstruction for moderate or substantial rehabilitation of housing, including the acquisition from the Resolution Trust Corporation. This is a new program authority arising out of the National Affordable Housing Act, section 811.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/12/91	56 FR 27070
Interim Final Rule Effective	07/12/91	56 FR 27070
Interim Final Rule Comment Period End	08/12/91	56 FR 27070
Final Action	02/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert Wilden, Director, Assisted Elderly and Handicapped Division, Department of



HUD—OH

Final Rule Stage

Housing and Urban Development,  
Office of Housing, 202 703-2730

RIN: 2502-AF20

**1438. ● SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES (DEVELOPMENT) (H-5-92; FR-3230)**

**Legal Authority:** 42 USC 8013

**CFR Citation:** 24 CFR 890

**Legal Deadline:** None

**Abstract:** This rule provides for the requirements (capital advances and project rental assistance contracts) of the new Supportive Housing for Persons with Disabilities Program which were not covered in the interim rule published on June 12, 1991, at 56 FR 27070.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36330
Interim Final Rule Effective	09/11/92	57 FR 36330
Interim Final Rule Comment Period End	10/13/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert Wilden, Director, Housing for Elderly and Handicapped People Division, Department of Housing and Urban Development, Office of Housing, 202 708-2730

RIN: 2502-AF66

**1439. FY '90 UPDATE TO THE MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (HUD CODE) (H-4-89; FR-2622)**

**Legal Authority:** 42 USC 5401

**CFR Citation:** 24 CFR 3280

**Legal Deadline:** None

**Abstract:** This rule updates and amends various subparts of Part 3280 to reflect recommendations from industry, the Council of American Building Officials Manufactured Home Committee, and the Department's staff. These recommendations were received prior to March 1, 1990. Reference standards would also be updated. In addition, the rule implements the Manufactured Energy Conservation Standards in section 586 of the 1987 HCD Act.

**Timetable:**

Action	Date	FR Cite
NPRM	02/24/92	57 FR 6420
NPRM Comment Period End	05/26/92	57 FR 6420

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Donald R. Fairman, Chief, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, 202 708-0718

RIN: 2502-AE66

**1440. REAL ESTATE SETTLEMENT PROCEDURES ACT—CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS AMENDMENTS (H-45-84; FR-1942)**

**Significance:** Regulatory Program

**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 481 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. The rule will also contain miscellaneous changes to clarify and update the existing rule.

**Timetable:**

Action	Date	FR Cite
NPRM	05/16/88	53 FR 17424
NPRM Comment Period End	07/15/88	53 FR 17424

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Grant E. Mitchell, Senior Attorney, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, 202 708-1550

RIN: 2502-AC09

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of Housing (OH)**

Completed Actions

**1441. HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR POLYSTYRENE FOAM INSULATION BOARD, USE OF MATERIALS BULLETIN, UMB 71B (H-43-91; FR-3124)**

**CFR Citation:** 24 CFR 200.935

**Completed:**

Reason	Date	FR Cite
Withdrawn - Merged with RIN 2502-AF62 (FR-3210)	04/06/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Leslie H. Breden, 202 708-1929

RIN: 2502-AF57

**1442. HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR CARPET CUSHION, USE OF MATERIALS BULLETIN 72B (H-44-91; FR-3125)**

**CFR Citation:** 24 CFR 200.935

**Completed:**

Reason	Date	FR Cite
Withdrawn - Merged with 2502-AF62 (FR-3210)	04/06/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Leslie H. Breden, 202 708-1929

RIN: 2502-AF58



## HUD—OH

## Completed Actions

**1443. INCREASED MAXIMUM LOAN AMOUNTS & TERMS FOR PROPERTY IMPROVEMENT LOANS INSURED UNDER TITLE I OF THE NHA (H-34-91; FR-3087)**

CFR Citation: 24 CFR 201

**Completed:**

Reason	Date	FR Cite
Final Action	09/30/92	57 FR 45244
Final Action Effective	09/30/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Coyle, 202 703-2680

RIN: 2502-AF48

**1444. SINGLE FAMILY FHA-MORTGAGE INSURANCE PREMIUM (H-2-91; FR-2936)**

Significance: Regulatory Program

CFR Citation: 24 CFR 203; 24 CFR 204

**Completed:**

Reason	Date	FR Cite
Final Action	06/11/92	57 FR 15208
Final Action Effective	05/25/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John J. Coonts, 202 708-3046

RIN: 2502-AF17

**1445. FLEXIBLE SUBSIDY PROGRAM: CAPITAL IMPROVEMENT LOANS (H-34-88; FR-2541)**

CFR Citation: 24 CFR 219

**Completed:**

Reason	Date	FR Cite
Final Action	07/21/92	57 FR 32398
Final Action Effective	08/20/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, 202 708-3944

RIN: 2502-AE55

**1446. GUIDELINES FOR DETERMINING APPRAISALS OF PRESERVATION VALUE UNDER THE LOW INCOME HOUSING PRESERVATION AND RESIDENT HOME OWNERSHIP ACT OF 1990 (H-32-91; FR-3074)**

CFR Citation: 24 CFR 248

**Completed:**

Reason	Date	FR Cite
Final Action	05/08/92	57 FR 19970
Final Action Effective	05/08/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward Winiarski, 202 708-0624

RIN: 2502-AF45

**1447. REVISION OF HUD'S PROCEDURE FOR PROMULGATING AN UP-TO-DATE LIST OF STATE ADMINISTRATIVE AGENCIES (H-29-91; FR-3059)**

CFR Citation: 24 CFR 3283

**Completed:**

Reason	Date	FR Cite
Withdrawn	07/02/92	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Stuart Margulies, 202 708-0584

RIN: 2502-AF44

**1448. RESPA, SEC. 10 - NOTICE REGARDING ESCROW ACCOUNT (H-24-91; FR-2955)**

Significance: Regulatory Program

CFR Citation: 24 CFR 3500

**Completed:**

Reason	Date	FR Cite
Withdrawn - Merged with RIN 2502-AC09 (FR-1942)	07/30/92	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Grant Mitchell, 202 708-1550

RIN: 2502-AF24

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

## Prerule Stage

## Office of Community Planning and Development (CPD)

**1449. REVISIONS TO HUD ENTERPRISE ZONE REGULATIONS (CPD-7-89; FR-2692)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 596

Legal Deadline: None

**Abstract:** Amendments to existing enterprise zone legislation are currently under legislative consideration. This proposed rule (which is dependent upon

the adoption of pending legislation) would implement the new law insofar as it affects HUD's rule as selector of enterprise zones.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

**Agency Contact:** Roy Priest, Director, Economic Development, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2290

RIN: 2506-AB00



**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)**  
**Office of Community Planning and Development (CPD)**

**Proposed Rule Stage**

**1450. ARCHITECTURAL BARRIERS ACT—APPLICABILITY TO CDBG ACTIVITIES (CPD-8-90; FR-2820)**

**Legal Authority:** 42 USC 5301 to 5320; 42 USC 4151; 42 USC 4153

**CFR Citation:** 24 CFR 570; 24 CFR 571

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the regulations governing the CDBG grant program to require compliance with the structural accessibility standards promulgated under the Architectural Barriers Act of 1966 (ABA). The proposed rule, through amendments to 24 CFR parts 570 and 571 (the CDBG regulations), would provide that any building or facility designed, constructed or altered with grants made available under the CDBG Program, and which meets the ABA's definition of "building" is subject to the requirements of the ABA. The requirements of the ABA would apply to entitlement grants and nonentitlement grants under the CDBG Program, the Indian CDBG Program, and to the section 108 Loan Guarantee Program. The rule would provide for the ABA requirements to be applicable to funds allocated or reallocated after the effective date of the final rule. The purpose of the rule is to bring the CDBG Program into compliance with the requirements of the ABA.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Merle Morrow, Quality Assurance Staff, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2618

**RIN:** 2506-AB04

**1451. INCOME DEFINITION AND OTHER AMENDMENTS (CPD-5-90; FR-2772)**

**Legal Authority:** 42 USC 5301

**CFR Citation:** 24 CFR 570

**Legal Deadline:** None

**Abstract:** This proposed rule would revise the Community Development

Block Grant (CDBG) program rules (24 CFR Part 570) in response to recommendations or suggestions by the Department's Inspector General, to clarify the language in section 570.204, and to include recent departmental policy determinations.

The proposed rule will address:

1. A proposed definition of income for families and households; changes in the definition of program income; and a definition of ineligible income payments.
2. Removal of the special protection afforded program income in revolving loan funds.
3. How "float loan" activities should be included in grantees' final statements.
4. The return of interest earned on loans made for ineligible activities to the U.S. Treasury.
5. Performance standards for CDBG grantees to make possible their certification that they are following their CHAS.
6. A requirement that the submission of an acceptable GPR is prerequisite to receiving a new grant award.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** James R. Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

**RIN:** 2506-AB01

**1452. COMMUNITY DEVELOPMENT BLOCK GRANTS: SMALL CITIES PROGRAM (CPD-15-90; FR-2879)**

**Legal Authority:** 42 USC 5301

**CFR Citation:** 24 CFR 570.420 to 570.438

**Legal Deadline:** None

**Abstract:** This proposed rule would revise subpart F of 24 CFR part 570 regarding the CDBG Small Cities Program. This program is alternately known as the HUD-administered Small Cities Program. The revision is intended to take into account statutory changes made to Title I of the Housing and

Community Development Act of 1974, as amended, since the existing Subpart F was promulgated in 1982, and to improve the operation and administration of the Small Cities Program.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local

**Agency Contact:** Stanley Gimont, Community Development Specialist, State & Small Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1322

**RIN:** 2506-AB11

**1453. COMMUNITY DEVELOPMENT BLOCK GRANTS—DISPOSITION OF PROPERTY BELOW MARKET VALUE (CPD-3-91; FR-2999)**

**Legal Authority:** 42 USC 5301 to 5320

**CFR Citation:** 24 CFR 570

**Legal Deadline:** None

**Abstract:** This rule would revise the Community Development Block Grant (CDBG) Programs (Entitlement, State and HUD Administered Small Cities) to require grantees and State recipients to justify the disposition of real property at a sale price less than market value if CDBG funds were used in the purchase.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	05/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** H. J. Huecker, Director, Relocation and Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-0336

**RIN:** 2506-AB15



## HUD—CPD

## Proposed Rule Stage

**1454. COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT: STATE PROGRAM—ECONOMIC DEVELOPMENT ACTIVITIES (CPD-8-91; FR-3008)****Legal Authority:** PL 101-625; 42 USC 5304; 42 USC 5301; PL 98-181**CFR Citation:** 24 CFR 570.203; 24 CFR 570.208(a); 24 CFR 570.483(e); 24 CFR 570.484(b)**Legal Deadline:** None**Abstract:** This proposed rule would revise the Community Development Block Grant (CDBG) Program rules (24 CFR part 570) to implement section 907(a) of the National Affordable Housing Act of 1990 which amend the section of the rule governing the provision of CDBG assistance to for-profit entities for economic development. This rule will address:

1. The new requirements for the provision of CDBG assistance to for-profit entities; and
2. Revisions to the criteria under which CDBG activities qualify as creating or retaining jobs, a majority of which are low- and moderate-income persons.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	01/00/93	
Interim Final Rule	02/00/93	

**Small Entities Affected:** Businesses**Government Levels Affected:** Local, State**Agency Contact:** Robert Duncan, Economic Development Specialist, Office of Economic Development, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-3773**RIN:** 2506-AB20**1455. PRESIDENTIALLY DECLARED MAJOR DISASTERS & EMERGENCY UNDER THE ROBERT T. STAFFORD DISASTER RELIEF & EMERGENCY ASSISTANCE—(CPD-16-91; FR-3119)****Significance:** Agency Priority**Legal Authority:** PL 101-625, Sec 933**CFR Citation:** 24 CFR 570**Legal Deadline:** None**Abstract:** A number of Presidentially declared major disasters occur each year and metropolitan cities and urban counties have insufficient funds to deal with the tremendous costs that are incurred. Section 933 provides for certain funds to be made available to HUD to be assigned to eligible metropolitan cities and urban counties.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Local**Agency Contact:** Thomas H. Terrell, Program Officer, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2435**RIN:** 2506-AB30**1456. ● COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM—TO PART 570 TECHNICAL AMENDMENTS (CPD-2-92; FR-3238)****Legal Authority:** 42 USC 3535(d)**CFR Citation:** 24 CFR 570**Legal Deadline:** None**Abstract:** This rule would implement a number of technical changes in Part 570.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** James Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577**RIN:** 2506-AB33**1457. ● COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM PART 570 AMENDMENTS RELATED TO REIMBURSABLE COSTS & PAPERWORK REDUCTION (CPD-3-92; FR-3239)****Legal Authority:** 42 USC 3535(d)**CFR Citation:** 24 CFR 570**Legal Deadline:** None**Abstract:** This rule would propose for public comment revisions in Part 570

resulting from recommendations by the Paperwork Burden Reduction Task Force including a clarification of the "appropriate" determination at 570.203(6), and counting of jobs created or retained.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** James Broughman, Director, Entitlement Communities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577**RIN:** 2506-AB34**1458. ● COMMUNITY DEVELOPMENT BLOCK GRANTS SANCTIONS (CPD-9-92; FR-3298)****Legal Authority:** 42 USC 3535(d); 42 USC 5301 to 5320**CFR Citation:** 24 CFR 570**Legal Deadline:** None**Abstract:** The purpose of this rule is to revise the existing regulation governing the imposition of sanctions in the Community Development Block Grant program as necessary to reflect the Department's understanding of the impact of a recent court decision, and to clarify certain existing provisions on performance standards and the Department's review procedures.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local**Agency Contact:** James Broughman, Director, Entitlement Communities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577**RIN:** 2506-AB40**1459. ● REVISED REGULATIONS FOR CDBG SANCTIONS (CPD-12-92; FR-3298)****Significance:** Agency Priority



## HUD—CPD

## Proposed Rule Stage

**Legal Authority:** 42 USC 3535(d); 42 USC 5301 to 5320

**CFR Citation:** 24 CFR 570

**Legal Deadline:** None

**Abstract:** The purpose of this rule is to revise the existing regulations governing the imposition of sanctions in the Community Development Block Grant (CDBG) program as necessary to the Department's understanding of the impact of a recent court decision, and to clarify to certain existing provisions on performance standards and the Department's review procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local

**Agency Contact:** James Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

**RIN:** 2506-AB43

**1460. EMERGENCY SHELTER GRANTS PROGRAM (CPD-5-91; FR-3005)**

**Legal Authority:** 42 USC 11377

**CFR Citation:** 24 CFR 576

**Legal Deadline:** None

**Abstract:** The Cranston-Gonzalez National Affordable Housing Act made a number of changes to the Emergency Shelter Grants (ESG) Program. Experience in administering the program has also led to the

identification of various regulatory changes that should be made to improve the program. A proposed rule to be issued for public comment and the final rule to follow will reflect these changes.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** James N. Forsberg, Director, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 703-4300

**RIN:** 2506-AB17

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

## Final Rule Stage

## Office of Community Planning and Development (CPD)

**1461. ● AMENDMENT OF RENTAL REHABILITATION PROGRAM CLOSEOUT REQUIREMENTS (CPD-8-92; FR-3280)**

**Legal Authority:** 42 USC 1437o; 42 USC 3535(d)

**CFR Citation:** 24 CFR 511

**Legal Deadline:** None

**Abstract:** As of October 1, 1991, the Rental Rehabilitation Program (RRP) was replaced by the HOME and HOPE programs. This rule would permit a State or local government whose RRP has been closed out to use program income on hand for activities eligible under the new HOME and HOPE programs, and would eliminate the requirement for on-site monitoring in advance of closeout, under specified conditions.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** David M. Cohen, Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, Office of

Community Planning and Development, 202 708-2685

**RIN:** 2506-AB39

**1462. ● AMENDMENT OF RENTAL REHABILITATION PROGRAM—CLOSEOUT REQUIREMENTS (CPD-11-92; FR-3280)**

**Legal Authority:** 42 USC 1437o; 42 USC 3535(d)

**CFR Citation:** 24 CFR 511

**Legal Deadline:** None

**Abstract:** As of October 1, 1991, the Rental Rehabilitation Program (RRP) was replaced by the HOME and HOPE programs. This rule would permit a State or local government whose RRP has been closed out to use program income on hand for activities eligible under the new HOME and HOPE programs, and would eliminate the requirement for on-site monitoring in advance of closeout, under specified conditions.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** David M. Cohen, Director, Office of Affordable Housing

Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2685

**RIN:** 2506-AB42

**1463. 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 amendments to the State-administered CDBG program made in the Housing and Urban-Rural Recovery Act (Pub. L. 98-181) approved November 30, 1983, and the Housing and Community Development Act of 1987 (Pub. L. 100-242) approved February 5, 1988. The rule includes definitions of low- and moderate-income-person levels, requirements for meeting the three national objectives, the 70 percent test for low- and moderate-income benefit, added local and State public participation, coverage of program income, performance reporting and recordkeeping, and consequences of States' dropping program administration after FY 1985 as well as other program policy requirements.



## HUD—CPD

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/24/90	55 FR 52938
NPRM Comment	02/22/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Richard J. Kennedy, Director, State and Small Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1322

**RIN:** 2506-AA38

#### 1464. REVISIONS OF PART 570 TO IMPLEMENT RECENT STATUTORY CHANGES (CPD-5-88; FR-2496)

**Legal Authority:** PL 100-242; PL 102-139; PL 101-625; 42 USC 3535(d); 42 USC 5300 to 5320

**CFR Citation:** 24 CFR 570

**Legal Deadline:** None

**Abstract:** This rule would revise the Community Development Block Grant Program rules (24 CFR part 570) for the entitlement and HUD-administered small cities programs, as necessary to implement certain changes in the Housing and Community Development Act of 1987; the Department of Housing and Urban Development - Independent Agencies Appropriations Act, 1989; and the Cranston- Gonzalez National Affordable Housing Act of 1990, sections 902, 903, 905, 906, and 912.

The rule will address:

1. The new requirements for a citizens participation plan;
2. The circumstances under which a grant recipient may newly construct, or substantially reconstruct, housing where it is clear that such work is needed before the CDBG activity commences; (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	03/28/90	55 FR 11556
NPRM Comment	05/29/90	55 FR 11558
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Additional Information: ABSTRACT CONT:**

3. The circumstances under which a grant recipient may provide a 9-1-1 emergency services communication system serving an area having less than 51 percent low- and moderate-income residents and still be considered to meet the national objective of benefitting low- and moderate-income persons; and

4. The authority to use CDBG funds to pay special assessments for certain low- and moderate-income property owners to recover local costs incurred in providing public improvements serving an area having less than 51 percent low- and moderate-income persons, under the national objective of benefitting such persons.

5. Certain changes affecting the CDBG program that were enacted as part of the National Affordable Housing Act. Included here will be: increase of "Targeting" from 60 to 70 percent; revised certifications for excessive force and Comprehensive Housing Affordability Strategy; revised definitions of metro cities and urban counties; and addition of "religion" to coverage of section 570.602.

**Agency Contact:** Jim Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

**RIN:** 2506-AA84

#### 1465. CORRECTION OF HEALTH AND SAFETY VIOLATIONS IN REHABILITATED RESIDENTIAL PROPERTIES ASSISTED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CPD-10-90; FR-2874)

**Legal Authority:** PL 100-242, Sec 101

**CFR Citation:** 24 CFR 570.202

**Legal Deadline:** None

**Abstract:** A recent IG audit finding involving a sample of CDBG grantees revealed that general improvements were being undertaken in CDBG-assisted rehabilitation properties while leaving health and safety violations uncorrected. As a result of this finding, CDBG regulations need to be amended to incorporate a provision that would require the correction of all health and safety violations in CDBG-assisted rehabilitated properties before any general improvements to these

properties can be undertaken. The proposed rule will also include an exception that will allow properties with uncorrected health and safety violations to still take part in rehabilitation programs that grantees have established to expressly address significant community housing needs, such as energy conservation through weatherization programs and improving the exterior appearance of deteriorating buildings through painting programs. Moreover, the proposed rule will make clear that grantees will still have the flexibility to continue to provide funding for the general improvement of properties that are free and clear of health and safety violations.

**Timetable:**

Action	Date	FR Cite
NPRM	02/03/92	57 FR 3970
NPRM Comment	04/03/92	
Period End		
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** David Cohen, Director, Office of Affordable Housing Program, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2685

**RIN:** 2506-AB08

#### 1466. COMMUNITY DEVELOPMENT BLOCK GRANTS—PROJECT (CPD-4-91; FR-3000)

**Legal Authority:** 42 USC 5301 to 5320

**CFR Citation:** 24 CFR 570

**Legal Deadline:** None

**Abstract:** This rule would add a definition of the term "project" for purposes of implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Section 104(d) of the Housing and Community Development Act of 1974. The rule would cover Community Development Block Grant Programs, including the Entitlement, State and HUD-Administered Small Cities Programs.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/92	

**Small Entities Affected:** None



HUD—CPD

Final Rule Stage

**Government Levels Affected:** Local, State**Agency Contact:** H. J. Huecker, Director, Relocation and Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-0336**RIN:** 2506-AB16**1467. COMMUNITY DEVELOPMENT BLOCK GRANT—ENTITLEMENT PROGRAM—CD PLAN (CPD-7-91; FR-3007)****Legal Authority:** PL 101-625**CFR Citation:** 24 CFR 570**Legal Deadline:** None**Abstract:** This final rule requires grantees to submit the newly required "CD Plan" containing non-housing facilities needed by the grantee. The plan is coordinated with other planning requirements in the program.**Timetable:**

Action	Date	FR Cite
NPRM	01/03/92	57 FR 322
NPRM Comment	03/04/92	
Period End		

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Local, State**Additional Information:** Grantees must submit plan to HUD before receiving a grant for FY '92.**Agency Contact:** James Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577**RIN:** 2506-AB19**1468. INCLUSION OF PROGRAM INCOME IN CDBG CALCULATIONS OF PUBLIC SERVICE SPENDING CAP (CPD-18-91; FR-2905)****Legal Authority:** 42 USC 5353(d)**CFR Citation:** 24 CFR 570.201**Legal Deadline:** None**Abstract:** 24 CFR 570.201(e) is being revised to permit certain CDBG recipients to include "program income" in the base amount of CDBG funds from which the funds available for public service are calculated.**Timetable:**

Action	Date	FR Cite
NPRM	06/17/92	57 FR 27116
NPRM Comment	07/17/92	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** James R. Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577**RIN:** 2506-AB24**1469. CDBG-FUNDED CODE ENFORCEMENT (CPD-2-91; FR-2943)****Legal Authority:** 42 USC 5301**CFR Citation:** 24 CFR 570**Legal Deadline:** None**Abstract:** This rule would provide that where CDBG-funded code enforcement activity results in the demolition or conversion of low/moderate income-housing that such housing must be replaced. Also, low/moderate-income persons displaced by such conversion or demolition of any housing would be provided relocation assistance under Section 104(d) of the Housing and Community Development Act of 1974 or under the Uniform Relocation Act.**Timetable:**

Action	Date	FR Cite
NPRM	02/03/92	57 FR 3971
NPRM Comment	03/03/92	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** Local**Agency Contact:** H. J. Huecker, Director, Relocation & Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-0336**RIN:** 2506-AB26**1470. COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES (CPD-16-90; FR-2880)****Legal Authority:** 42 USC 5301**CFR Citation:** 24 CFR 571**Legal Deadline:** None**Abstract:** Section 702 of the HUD Reform Act of 1989 moved the grant authority for CDBG funding to Indian tribes from Section 107 to 106 of the Housing and Community Development Act. Paragraph (b) of Section 702 includes the following provision: "The Secretary shall provide for distribution of amounts under this paragraph pursuant to specific criteria for the selection of Indian tribes to receive such amounts. The criteria shall be contained in a regulation promulgated by the Secretary after notice and public comment."**Timetable:**

Action	Date	FR Cite
NPRM	06/21/91	56 FR 28666
NPRM Comment	08/21/91	
Period End		
Interim Final Rule	04/07/92	57 FR 11832
Interim Final Rule Effective	06/08/92	
Interim Final Rule Comment	11/18/92	
Period End		
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Local**Agency Contact:** Stephen Rhodeside, Community Development Specialist, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1322**RIN:** 2506-AB12**1471. ● REALLOCATION OF UNUSED EMERGENCY SHELTER GRANTS AMOUNTS (CPD-10-92; FR-3319)****Legal Authority:** 42 USC 11376; 42 USC 3535(d)**CFR Citation:** 24 CFR 576.67**Legal Deadline:** None**Abstract:** Current regulations define unused grant amounts and provide that the Department will reallocate these amounts from time to time, using certain selection criteria. Through its experience in administering the ESG Program, the Department has determined that the low amount of unused grant funds available for reallocation do not justify the current selection process. Under this rule the Department will add unused amounts to the next fiscal year's appropriation, to be distributed to entitlement grantees on the formula basis initially applicable to ESG appropriations.



## HUD—CPD

## Final Rule Stage

## Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James N. Forsberg, Director, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-4300

**RIN:** 2506-AB41

**1472. SUPPORTIVE HOUSING DEMONSTRATION PROGRAM (CPD-14-90; FR-2878)**

**Legal Authority:** 42 USC 11301 Stewart B. McKinney Homeless Assistance Act

**CFR Citation:** 24 CFR 577; 24 CFR 578

**Legal Deadline:** None

**Abstract:** The National Affordable Housing Act amended various provisions of Title IV, Subtitle C of the McKinney Act affecting the Supportive Housing Demonstration Program. These are the subject of a proposed rule. Other changes to the program, identified through experience in administering it, are also included in the rule.

## Timetable:

Action	Date	FR Cite
NPRM	01/06/92	57 FR 466
NPRM Comment Period End	03/06/92	

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Agency Contact:** James N. Forsberg, Director, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-4300

**RIN:** 2506-AB10

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

## Completed Actions

## Office of Community Planning and Development (CPD)

**1473. PROPOSED AMENDMENT TO 24 CFR 570.602 RULE (CPD-1-92; FR-3117)**

**CFR Citation:** 24 CFR 6; 24 CFR 570.602

**Completed:**

Reason	Date	FR Cite
Final Action - Merged With RIN 2501-AB32 (FR-3079)	07/14/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Betsy Ryan, 202 708-2333

**RIN:** 2506-AB32

**1474. PREVENTION OF DISCRIMINATION BASED ON ALIENAGE IN THE PROVISION OF CDBG-FUNDED PUBLIC SERVICES (ALIEN IV) (CPD-19-90; FR-2913)**

**Significance:** Regulatory Program

**CFR Citation:** 24 CFR 570

**Completed:**

Reason	Date	FR Cite
Withdrawn	10/05/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Don Patch, 202 708-3587

**RIN:** 2506-AB25

**1475. SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS (CPD-6-91; FR-3006)**

**CFR Citation:** 24 CFR 579

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/22/92	

**Small Entities Affected:** Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** James N. Forsberg, 202 708-4300

**RIN:** 2506-AB18

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

## Proposed Rule Stage

## Government National Mortgage Association (GNMA)

**1476. REVISIONS TO GNMA ISSUER NET WORTH REQUIREMENTS (GNMA-1-90; FR-2908)**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1721(g); 12 USC 1723a(a)

**CFR Citation:** 24 CFR 390.3

**Legal Deadline:** None

**Abstract:** This rule would revise GNMA's standards for issuer approval by amending current net worth

requirements and implementing new integrity requirements that would more accurately reflect an issuer's ability to participate in the GNMA mortgage-backed securities program. The proposal would also allow the acceptance of FHLMC approval in lieu of FNMA approval in GNMA's issuer application process.

## Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None\*

**Agency Contact:** Guy S. Wilson, Vice President, Department of Housing and Urban Development, Government



**HUD—GNMA**

**Proposed Rule Stage**

National Mortgage Association, 202 708-2772

RIN: 2503-AA07

**1477. GUARANTY OF REAL ESTATE MORTGAGE INVESTMENT CONDUITS (GNMA-2-91; FR-3004)**

**Legal Authority:** 12 USC 1721(g)

**CFR Citation:** 24 CFR 400

**Legal Deadline:** None

**Abstract:** GNMA is considering creation of a program under which GNMA will guarantee timely payment under Real Estate Mortgage Investment Conduits backed by GNMA Mortgage-Backed Securities. The regulation will provide an outline of the program. The program will be self-funding. It is projected that benefits will include attracting more capital and liquidity to the mortgage market which will reduce loan expenses, thus providing a greater opportunity for homeownership and affordable housing.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Cornelius Shields, Executive Assistant to the President, Department of Housing and Urban Development, Government National Mortgage Association, 202 708-0926

RIN: 2503-AA09

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of Fair Housing and Equal Opportunity (FHEO)**

**Proposed Rule Stage**

**1478. CHAS—AFFIRMATIVELY FURTHERING FAIR HOUSING (FHEO-6-91; FR-3118)**

**Legal Authority:** 42 USC 12705(b)(13)

**CFR Citation:** 24 CFR 91.15(l); 24 CFR 570.904(c); 24 CFR 91.20(l)

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance on the minimum content of State and local efforts to satisfy the CHAS certification to Affirmatively Further Fair Housing. The rule will make mandatory the "Analysis of Impediments to Fair Housing Choice" currently described in 24 CFR 570.904(c) (the Entitlement Block Grant regulation) for all jurisdictions submitting a CHAS, will describe the components of such an Analysis, and will provide guidance on the types of actions HUD deems acceptable. It will also define the phrase "areas of minority concentration" found in the CHAS rule.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Agency Contact:** Laurence Pearl, Director, Program Standards and Evaluation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0288

RIN: 2529-AA54

**1479. ● FAIR HOUSING ASSISTANCE PROGRAM (FHEO-5-92; FR-3322)**

**Legal Authority:** 42 USC 3601

**CFR Citation:** 24 CFR 111

**Legal Deadline:** None

**Abstract:** The amendment will allow payment for complaint processing in accordance with the Fair Housing Act to State and local agencies that have been determined to be substantially equivalent; and, another level to those agencies that have not achieved substantial equivalency but who have enacted fair housing laws to assist the Department in carrying out investigation activities under the Fair Housing Act in their respective jurisdictions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Marcella O. Brown, Director, Funded Programs Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0455

RIN: 2529-AA60

**1480. ● CERTIFICATION OF SUBSTANTIALLY EQUIVALENT AGENCIES (FHEO-4-92; FR-3321)**

**Legal Authority:** 42 USC 3601

**CFR Citation:** 24 CFR 115

**Legal Deadline:** None

**Abstract:** The regulation must be amended for clarification in several sections, including the following: 1) Performance standards; 2) Request for certification; 3) Procedure for certification; 4) Denial and withdrawal of certification; and 5) Interim referrals.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
Final Action	06/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Agency Contact:** Marcella O. Brown, Director, Funded Programs Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0455

RIN: 2529-AA59

**1481. FAIR HOUSING AFFIRMATIVE ADMINISTRATION OF PROGRAMS RELATING TO HOUSING AND URBAN DEVELOPMENT (FHEO-3-90; FR-2885)**

**Legal Authority:** EO 12259

**CFR Citation:** 24 CFR 112

**Legal Deadline:** None

**Abstract:** This regulation will provide guidelines for executive agencies in determining which of their programs and activities relate to housing and urban development, and in analyzing their programs' impact on promoting fair housing. The rule will describe actions that can be taken to assure that programs and activities are administered in a manner affirmatively to further fair housing and will



## HUD—FHEO

## Proposed Rule Stage

establish procedures for coordination and cooperation between the Secretary of HUD and other Executive agencies in their implementation and enforcement of their responsibilities under Executive Order 12259 and the Fair Housing Act.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Maxine B. Cunningham, Director, Section 3 Compliance Div., Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2251

**RIN:** 2529-AA46

**1482. EMPLOYMENT OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS (FHEO-6-90; FR-2898)**

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1450; 42 USC 3301; 12 USC 1701u; 42 USC 3535(d)

**CFR Citation:** 24 CFR 135

**Legal Deadline:** None

**Abstract:** The regulations at 24 CFR 135 have not been revised to reflect the changes that have occurred in the past several years in the Department's programs that are subject to Section 3 regulations. The updating of these regulations to enforce Section 3 of the HUD Act of 1968 is needed to conform with regulations from the Office of Housing and the Office of Community

Planning and Development. The Section 3 regulations must also more closely address the Department's goals to improve the self-sufficiency of low income persons.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Maxine B. Cunningham, Director, Section 3 Compliance Div., Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2251

**RIN:** 2529-AA49

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of Fair Housing and Equal Opportunity (FHEO)**

## Final Rule Stage

**1483. EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES (FHEO-6-92; FR-3323)**

**Legal Authority:** 42 USC 2000C to 16; 29 USC 621 to 634; 29 USC 1634; 29 USC 633a

**CFR Citation:** 24 CFR 7

**Legal Deadline:** None

**Abstract:** Conforming HUD rules governing the Equal Employment Opportunity complaint process to comply with 29 CFR 1614.

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** William O. Anderson, Director, Affirmative Action & Equal Employment Opportunity, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2033

**RIN:** 2529-AA61

**1484. CONFORMING AMENDMENTS TO HUD RULES TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT AND OTHER AUTHORITIES (FHEO-3-88; FR-2531)**

**Legal Authority:** 29 USC 794

**CFR Citation:** 24 CFR 7; 24 CFR 200; 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 241; 24 CFR 244; 24 CFR 250; 24 CFR 251; 24 CFR 252; 24 CFR 270; 24 CFR 271; 24 CFR 277

**Legal Deadline:** None

**Abstract:** Conforming HUD rules to comply with section 504 of the Rehabilitation Act and other authorities, by adding appropriate citations.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Laurence Pearl, Director, Program Standards & Evaluation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0288

**RIN:** 2529-AA38

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of Fair Housing and Equal Opportunity (FHEO)**

## Completed Actions

**1485. FAIR HOUSING COMPLAINT PROCESSING; TECHNICAL AMENDMENT (FHEO-1-92; FR-3236)**

**Legal Authority:** 42 USC 3535(d); 42 USC 3600 to 3620

**CFR Citation:** 24 CFR 103.400

**Legal Deadline:** None

**Abstract:** This final rule changes the procedures HUD will use to report, to affected respondents, a determination of "no reasonable cause" in connection with a Fair Housing complaint investigation. The rule provides for use

of regular mail (in lieu of certified mail or personal service) for the communication of these determinations.



HUD—FHEO

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	04/30/92	57 FR 18397
Final Action Effective	06/01/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy J. Rodriguez, Deputy Director, Office of Investigations, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-8041

RIN: 2529-AA56

**1486. ● EMPLOYMENT OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS (FHEO-2-92; FR-3290)**

Significance: Agency Priority

Legal Authority: 12 USC 1701(u); 42 USC 3535(d)

CFR Citation: 24 CFR 135.1; 24 CFR 135.5; 24 CFR 135.10; 24 CFR 135.15; 24 CFR 135.125; 24 CFR 135.140

Legal Deadline: None

Abstract: The amendments to Part 135 made by this final rule revise only those sections of Part 135 which contain obsolete terminology or language that is inconsistent with the 1974 and 1980 statutory changes made to Section 3.

Timetable:

Action	Date	FR Cite
Final Action	09/02/92	57 FR 40111
Final Action Effective	10/02/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Maxine B. Cunningham, Director, Section 3 Compliance Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2251

RIN: 2529-AA57

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of Administration (OA)

Proposed Rule Stage

**1487. IMPLEMENTATION OF REVISED OMB CIRCULAR A-102 GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS (ADM-2-91; FR-3129)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 85

Legal Deadline: None

Abstract: This governmentwide rule would make changes to 24 CFR part 55,

grants and cooperative agreements to state and local governments, as a result of changes made to OMB Circular A-102.

Timetable:

Action	Date	FR Cite
NPRM	10/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Ed Girovasi, Director, Policy and Evaluation Division, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, 202 708-0294

RIN: 2535-AA19

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of Administration (OA)

Final Rule Stage

**1488. HUD ACQUISITION REGULATION (ADM-2-88; FR-2473)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 48 CFR 24

Legal Deadline: None

Abstract: The rule updated the HUD Acquisition Regulation to conform to changes in the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
NPRM	06/08/92	57 FR 24334
NPRM Comment Period End	08/07/92	
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Ed Girovasi, Director, Policy and Evaluation Division, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, 202 708-0294

RIN: 2535-AA16

**1489. COMPETITIVE PROPOSAL REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENT TO STATE, LOCAL AND FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS (ADM-1-91; FR-3015)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 85

Legal Deadline: None

Abstract: This rule is intended to clarify the confidential nature of the competitive proposal method of procurement, set forth in 24 CFR 85.36. It will emphasize that public disclosure of proposals is not to be made until after contract award.



## HUD—OA

Final Rule Stage

## Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Ed Girovasi, Director, Policy and Evaluation Division, Office

of Procurement &amp; Contracts, Department of Housing and Urban Development, Office of Administration, 202 708-0294

RIN: 2535-AA18

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of Administration (OA)

Completed Actions

## 1490. REVISIONS TO HUD ACQUISITION REGULATION TO REFLECT CHANGES IN GNMA PROCUREMENT PROCEDURES (ADM-3-88; FR-2534)

CFR Citation: 48 CFR 24

## Completed:

Reason	Date	FR Cite
Withdrawn - Merged with RIN 2535-AA16 (FR-2473)	07/20/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ed Girovasi, 202 708-0294

RIN: 2535-AA17

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of the Inspector General (HUDIG)

Proposed Rule Stage

## 1491. ● IMPLEMENTATION OF THE PRIVACY ACT OF 1974 (IG-1-92; FR-3259)

Significance: Agency Priority

Legal Authority: 5 USC 552a

CFR Citation: 24 CFR 2003

Legal Deadline: None

**Abstract:** The regulation fills a gap in the Office of the Inspector General's overall regulations (24 CFR Chapter XII) by creating rules to implement the requirements of the Privacy Act of 1974 in the OIG. The regulation incorporates the Department's existing Privacy Act

regulations (24 CFR Part 16) with modifications which conform those regulations to the OIG's organizational structure. In addition, the regulation addresses needed changes in the OIG's Privacy Act exemptions. With respect to the OIG's investigative files, the applicable exemptions are clarified; the reason provided for such exemptions are more detailed than those currently found at 24 CFR 16.14 and 16.15. In addition, the regulation sets forth the exemptions that are applicable to two new OIG systems of records.

## Timetable:

Action	Date	FR Cite
NPRM	08/27/92	57 FR 38804
NPRM Comment Period End	10/26/92	
Final Action	03/00/93	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip A. Kesaris, Deputy Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, 202 708-2350

RIN: 2508-AA07

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Policy Development and Research (PD&R)

Final Rule Stage

## 1492. ● PRESERVATION OF MULTIFAMILY ASSISTED RENTAL HOUSING; GUIDELINES FOR THE SECTION 222(E) WINDFALL PROFITS TEST (PD&amp;R-1-92; FR-3177)

Legal Authority: 42 USC 3535(d); 12 USC 17151

CFR Citation: 24 CFR 248

Legal Deadline: None

**Abstract:** The Low Income Housing Preservation and Resident Homeownership Act of 1990 provides the Secretary of HUD with permanent authority to deal with HUD-assisted multifamily projects where owners have the option of prepaying their mortgages. Its basic objectives are to assure that

most of the inventory of HUD-assisted housing with mortgages eligible for prepayment remains affordable to low- and moderate-income households, while at the same time fairly compensating owners for the value of their properties. Section 222(e) specifies that, to prevent payment of windfall profits, the Secretary may make available incentive payments under the Act only to owners in those rental markets where there is an inadequate supply of decent, affordable housing or where necessary to accomplish other public policy objectives. The Notice explains in detail HUD's methodology for making these determinations.

## Timetable:

Action	Date	FR Cite
Notice	04/08/92	57 FR 12064
Notice Effective Date	05/08/92	
Notice Comment Period End	06/08/92	
Notice Final	12/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Bruce D. Atkinson, Office of Economic Affairs, Department of Housing and Urban Development,



HUD—PD&R

Final Rule Stage

Policy Development and Research, 202  
708-0590

RIN: 2528-AA03

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of Public and Indian Housing (PIH)

Prerule Stage

**1493. TURNKEY III RE: PHA  
FINANCING & SUBORDINATION (P-6-  
90; FR-2819)**

**Legal Authority:** 42 USC 1437 to 1437s

**CFR Citation:** 24 CFR 904

**Legal Deadline:** None

**Abstract:** This rule would update the Turnkey III regulation to reflect certain statutory changes, particularly with regard to loan forgiveness, under Section 3004 of the Housing and Community Development Amendments

of 1985 (P.L. 99-272), which amend Section 4 of the United States Housing act of 1937. Certain other changes are being considered, to improve program administration and facilitate achievement of the program's homeownership objectives.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Local

**Agency Contact:** Wayne Hunter, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0713

RIN: 2577-AA85

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of Public and Indian Housing (PIH)

Proposed Rule Stage

**1494. SECTION 8 MODERATE  
REHABILITATION (P-6-91; FR-2976)**

**Legal Authority:** PL 101-625

**CFR Citation:** 24 CFR 882

**Legal Deadline:** None

**Abstract:** This rule would set forth provisions for using additional authorization for use of moderate rehabilitation program in cases of major disasters declared by the President.

**Timetable:**

Action	Date	FR Cite
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NPRM 11/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Madeline Hastings, Director, Rental Assistance Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-7424

RIN: 2577-AB18

**Abstract:** The provisions of this regulation ease the rent burden for working families and provide needed incentives for resident to improve their economic situations. These provisions assist families who are making the transition from welfare to gainful employment and encourage higher income working families to remain in public housing. This regulation also removes several of the structural disincentives that exist in current regulations, encourages families to become more sufficient and fosters long-term upward mobility.

This regulation implements:

Section 102(a) of the HCDA of 1987 (Ceiling Rents)

Section 302 of the HUD Reform Act of 1989 (Ceiling Rents)

Section 515 of the NAHA of 1990 (Income Exclusion-Job Training)

Section 515 of the NAHA of 1990 (Income Unit Exceptions)

HUD Discretionary Income Exclusions

Definition of Income Clarifications

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Agency Contact:** Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

RIN: 2577-AB19

**1496. COMPREHENSIVE REVISION TO SECTION 8 RENTAL CERTIFICATE PROGRAM AND RENTAL VOUCHER PROGRAM REGULATIONS (P-5-92; FR-2294)**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1437f; PL 100-242, Sec 144; PL 100-242, Sec 145; PL 100-242, Sec 148; PL 100-242, Sec 147; PL 100-242, Sec 148; PL 100-242, Sec 149; PL 100-242, Sec 262

**CFR Citation:** 24 CFR 882

**Legal Deadline:** None

**Abstract:** This rule will consolidate the Section 8 Rental Certificate Program and Rental Voucher Program regulations into a new Part 982 to provide, to the extent practicable, uniform policies for both programs. It will also conform the regulations to statutory amendments enacted by the

**1495. ● CONSOLIDATED INCOME  
AND RENT REGULATIONS (P-10-92;  
FR-3324)**

**Legal Authority:** 42 USC 3535d

**CFR Citation:** 24 CFR 813; 24 CFR 905; 24 CFR 913

**Legal Deadline:** None



## HUD—PIH

## Proposed Rule Stage

Housing and Community Development Amendments of 1987, the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, and the National Affordable Housing Act, and make other revisions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:** FR-2469 (RIN 2502-AE44), FR-2584 (RIN 2502-AE63) and FR-2889 (RIN 2502-AF11) have been merged into this item.

**Agency Contact:** Madeline Hastings, Director, Rental Assistance Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-7424

**RIN:** 2577-AB14

#### 1497. ● INDIAN LEASE AND GRIEVANCE PROCEDURES (P-2-92; FR-3228)

**Legal Authority:** 42 USC 1437d

**CFR Citation:** 24 CFR 905

**Legal Deadline:** NPRM, Statutory, February 14, 1991. Final, Statutory, May 25, 1991.

**Abstract:** This rule will amend the Indian Housing rule's provisions concerning a resident's lease and grievance procedures to conform to statutory amendments made in 1990 by the National Affordable Housing Act. Those amendments made certain criminal activity by a member of the resident's household cause for termination of tenancy and permitted an IHA to use an expedited grievance procedure concerning such a termination. It also specified elements of due process, which--if provided under local law--would eliminate the need for providing a grievance procedure for this type of termination of tenancy or eviction.

(A similar rule was published Oct. 11, 1991 for Public Housing Agencies and it became effective Nov. 12, 1991.)

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, Federal

**Agency Contact:** Dominic Nessi, Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1015

**RIN:** 2577-AB11

#### 1498. ● CIAP PROCUREMENT POLICY FOR LBP TESTING AND ABATEMENT SERVICES (P-3-92; FR-3231)

**Legal Authority:** 42 USC 1437aa; 42 USC 1437bb; 42 USC 1437cc; 42 USC 1437ee; 25 USC 450e(b); 42 USC 3535(d); 42 USC 1437d; 42 USC 1437l

**CFR Citation:** 24 CFR 905.640(c); 24 CFR 968.240(c)

**Legal Deadline:** None

**Abstract:** Proposed rule would amend the contracting requirements in the public and Indian Housing CIAP regulations to allow the competitive proposals method to be used to select contractors to provide lead-based paint testing and abatement services to public housing agencies and Indian Housing Authorities. Language limiting LBP testing and abatement to the sealed bid method would be eliminated from the existing regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** William Thorson, Director, Maintenance & Supply Div., Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-4703

**RIN:** 2577-AB12

#### 1499. ● CIAP—SUBPART B (P-11-92; FR-3318)

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1437aa; 42 USC 1437bb; 42 USC 1437cc; 42 USC 1437ee; 24 USC 450e(b); 42 USC 3535(d); 42 USC 1434d; 42 USC 1437l

**CFR Citation:** 24 CFR 905; 24 CFR 968

**Legal Deadline:** None

**Abstract:** This proposed rule would amend 24 CFR Parts 905 and 968 to establish a revised and simplified Comprehensive Improvement Assistance program (CIAP) for public housing agencies (PHAs) and Indian housing Authorities (IHAs) that own or operate fewer than 250 public or Indian Housing units. This rule proposes to simplify and reduce processing procedures in obtaining modernization grants. This rule proposes to enhance resident and homebuyer participation. This rule solicits public comment on additional revisions needed to improve the CIAP program. This action is intended to result in substantial cost reduction in preparing processing, and administering CIAP grants.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local

**Agency Contact:** Janice D. Rattley, Director, Office of Construction, Rehabilitation & Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1800

**RIN:** 2577-AB20

#### 1500. MAXIMUM ANNUAL LIMITATION ON RENTAL INCREASES RESULTING FROM EMPLOYMENT; AMENDMENTS TO DEFINITIONS OF INCOME, ADJUSTED INCOME (P-4-91; FR-2973)

**Legal Authority:** PL 101-625

**CFR Citation:** 24 CFR 913; 24 CFR 813

**Legal Deadline:** None

**Abstract:** Rule would establish, subject to appropriations, that rent increases based on adjusted income increases resulting from the employment of a family member who was previously unemployed are phased in and can't increase more than 10 percent in any twelve-month period over three years.



## HUD-PIH

## Proposed Rule Stage

Rule would also redefine income to exclude amounts not actually received for '37 Act programs and section 236 and establishes other deductions (mainly work-related) for '37 Act.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Agency Contact:** Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

**RIN:** 2577-AA95

#### 1501. PUBLIC HOUSING DEVELOPMENT—PROGRAM AMENDMENTS (P-8-90; FR-2865)

**Legal Authority:** 42 USC 1437c

**CFR Citation:** 24 CFR 941

**Legal Deadline:** None

**Abstract:** This proposed rule is a follow-up on the technical amendments final rule (FR-2782) with substantive amendments, incorporating numerous program changes; e.g., the Green Amendment on cost limits; elimination of total development cost cap panel; inclusion of Major Reconstruction of Obsolete Public Housing downgrading requirement for Assistant Secretary approval for Public Housing Agencies to acquire HUD-owned or held properties; expansion of site and neighborhood applicability to acquisition of existing projects; and revision of application procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Agency Contact:** Janice D. Rattley, Director, Office of Construction, Rehabilitation, and Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1800

**RIN:** 2577-AA87

#### 1502. PUBLIC HOUSING RENT WAIVER FOR POLICE OFFICERS (P-3-91; FR-2972)

**Legal Authority:** PL 101-625; 42 USC 3535(d)

**CFR Citation:** 24 CFR 960.500, subpart E

**Legal Deadline:** None

**Abstract:** The rule would permit HUD to waive the applicability of any occupancy requirements to allow police officers and other security personnel, not otherwise eligible for residence in public housing, to reside in public housing dwelling units upon submission by a PHA and approval by HUD of a plan identifying the projects in which the police officers or security personnel will reside and describing the benefits of their residence.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local

**Agency Contact:** Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

**RIN:** 2577-AA94

#### 1503. SELECTION OF FINANCIALLY RESPONSIBLE INSURANCE PROVIDER BY PHAS AND IHAS (P-10-91; FR-3023)

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1437g; PL 101-507

**CFR Citation:** 24 CFR 965; 24 CFR 905

**Legal Deadline:** None

**Abstract:** This rule would specify the requirements for a financially sound and responsible insurance provider for coverage of PHA and IHA required coverages. It would permit selection of a nonprofit insurance entity owned by PHAs or IHAs without competitive selection procedures when the entity satisfies these financial standards, in accordance with provisions of the HUD Appropriations Act for FY 1991.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local

**Additional Information:** This rule has been split off from a rule that dealt primarily with the Performance Funding System for calculating operating subsidy for PHAs. A proposed rule was published on December 19, 1989. After public comments were received, Congress legislated on the subject of PHA insurance--in the HUD Appropriations Act for FY 1991. As a result, this proposed rule is being undertaken as a separate project.

**Agency Contact:** John Comerford, Director, Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1872

**RIN:** 2577-AB00

#### 1504. LEAD-BASED PAINT LIABILITY INSURANCE FOR PUBLIC HOUSING AGENCIES AND INDIAN HOUSING AUTHORITIES (P-12-92; FR-3275)

**Significance:** Agency Priority

**Legal Authority:** 42 USC 1436c

**CFR Citation:** 24 CFR 965; 24 CFR 905

**Legal Deadline:** None

**Abstract:** This proposed rule will implement a provision of HUD's 1992 Appropriations Act (105 Stat. 758-759) that requires the Department to specify the "nature and quality" of insurance coverage to be obtained by public housing agencies and Indian housing authorities for lead-based paint personal injury liability.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local

**Agency Contact:** John Comerford, Director, Financial Management and Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1872

**RIN:** 2577-AB21



## HUD—PIH

## Proposed Rule Stage

**1505. DEMOLITION & DISPOSITION OF PUBLIC HOUSING—OPPORTUNITY TO PURCHASE BY TENANT COUNCILS, RESIDENT MANAGEMENT CORPORATIONS, OR TENANT COOPERATIVES (P-19-91; FR-3093)****Significance:** Agency Priority**Legal Authority:** PL 101-625 Sec. 412, National Affordable Housing Act**CFR Citation:** 24 CFR 970**Legal Deadline:** None

**Abstract:** This notice sets forth the provisions and procedures to be followed in affording the opportunity to purchase to existing PHA-wide and IHA-wide resident councils and the resident management corporation, resident council or resident cooperative of the development that is proposed to be demolished or disposed of, in whole or a portion thereof, by the PHA or IHA. It also requires that PHAs or IHAs allow 45 days for residents of the affected development to form a resident organization.

**Timetable:**

Action	Date	FR Cite
Notice	10/06/92	57 FR 46074
Notice Effective	10/06/92	57 FR 46074
Notice Comment	12/07/92	57 FR 46074
Period End		
Final Action	03/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Agency Contact:** William Flood, Director, Modernization Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1640**RIN:** 2577-AB09**1506. PERFORMANCE FUNDING SYSTEM: ADJUSTMENT TO OPERATING SUBSIDY TO REFLECT AIR CONDITIONING EFFECT ON UTILITY CONSUMPTION (P-9-91; FR-2971)****Legal Authority:** PL 101-625**CFR Citation:** 24 CFR 990; 24 CFR 905**Legal Deadline:** None

**Abstract:** This rule will add a new factor to the Performance Funding System of calculating operating subsidy for Public Housing and Indian Housing projects. The utility expense level will now be adjusted for Cooling Degree Day differences from year-to-year, as well as Heating Degree differences.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Local, Federal**Agency Contact:** John Comerford, Director, Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1872**RIN:** 2577-AA99**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of Public and Indian Housing (PIH)**

## Final Rule Stage

**1507. FAMILY SELF-SUFFICIENCY PROGRAM (P-9-92; FR-2961)****Significance:** Regulatory Program**Legal Authority:** 42 USC 3535(d)**CFR Citation:** Not yet determined**Legal Deadline:** None

**Abstract:** This rule implements the Family Self-Sufficiency (FSS) program created by Section 554 of the Cranston-Gonzalez National Affordable Housing Act. Section 554 directs PHAs (and IHAs) to use public and Indian housing and Section 8 assistance under the rental certificate and rental voucher programs together with public and private resources to provide supportive services, to enable participating families to achieve economic independence and self-sufficiency.

**Timetable:**

Action	Date	FR Cite
Notice	09/30/91	56 FR 49592
Notice Effective	09/30/91	
Interim Final Rule	10/00/92	
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Local, State**Agency Contact:** Madeline Hastings, Director, Rental Assistance Division, Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-7424**RIN:** 2577-AB15**1508. DRUG ELIMINATION (P-6-91; FR-2992)****Legal Authority:** PL 101-625**CFR Citation:** 24 CFR 751**Legal Deadline:** None

**Abstract:** Section 581 of the National Affordable Housing Act of 1990 authorizes HUD to make grants available to Public and Indian Housing Agencies, and to federally assisted housing projects, for use in eliminating drug-related crime. Funding applicants are required to develop a plan for addressing drug-related crime and to indicate how assisted activities will further the plan.

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/91	56 FR 30176
NPRM Comment	08/30/91	
Period End		
Final Action	01/00/93	

**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local, State**Agency Contact:** Malcolm E. Main, Drug Free Neighborhoods Division, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1197**RIN:** 2577-AA97**1509. PUBLIC HOUSING MANAGEMENT ASSESSMENT PROGRAM (PHMAP) (P-10-90; FR-2897)****Significance:** Regulatory Program**Legal Authority:** 42 USC 3535(d); PL 101-625**CFR Citation:** 24 CFR 901**Legal Deadline:** None



## HUD—PIH

Final Rule Stage

**Abstract:** This rule established the Public Housing Management Assessment Program (PHMAP) in accordance with Section 502 of the National Affordable Housing Act of 1990 (approved Nov. 28, 1990, PL 101-625, 104 Stat. 4079). Section 502 requires HUD to assess the management performance of Public Housing Agencies (PHAs) in all major areas of management operations and designation of troubled PHAs. PHMAP uses 12 indicators, including seven specifically listed in the section and five other indicators deemed appropriate by HUD. HUD is required to seek to enter into agreements with troubled PHAs to improve their management performance. In the event of a substantial default on an agreement, HUD may petition for the appointment of a receiver or make other management changes for the troubled PHA. HUD is also authorized to commend exemplary PHAs.

PHMAP is intended to foster a uniform, nationwide level of excellence in public housing.

**Timetable:**

Action	Date	FR Cite
NPRM	04/17/91	56 FR 15712
NPRM Comment Period End	06/17/91	
Interim Final Rule	01/17/92	57 FR 2160
Interim Final Rule Effective	02/18/92	
Interim Final Rule Comment Period End	05/18/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Casimir Bonkowski, Director, Office of Management and Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0713

**RIN:** 2577-AA89

### 1510. SECTION 5(H) HOMEOWNERSHIP PROGRAM (P-5-90; FR-2810)

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 905; 24 CFR 908

**Legal Deadline:** None

**Abstract:** The Department published an interim rule codifying the requirements of the Section 5(h) Homeownership Program (Section 5(h), U.S. Housing Act of 1937 ("Act")). Section 5(h), along with Section 6(c)(4)(D) of the Act, gives the Department the authority to implement a program that would provide homeownership opportunities for residents of public and Indian housing.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/20/91	56 FR 47852
Interim Final Rule Effective	10/21/91	
Interim Final Rule Comment Period End	11/19/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local

**Agency Contact:** Wayne Hunter, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0713

**RIN:** 2577-AA90

### 1511. DEFINITION AMENDMENTS (P-5-91; FR-3029)

**Legal Authority:** PL 101-625; 42 USC 3535(d)

**CFR Citation:** 24 CFR 912; 24 CFR 812

**Legal Deadline:** None

**Abstract:** This rule would implement section 573(a) of the National Affordable Housing Act to amend the term "family" under the 1937 Housing Act to include any single person. It would also implement the effect of the Fair Housing Act on occupancy requirements for single, pregnant women and persons in the process of obtaining custody of another individual.

**Timetable:**

Action	Date	FR Cite
NPRM	04/10/92	57 FR 12686
NPRM Comment Period End	06/09/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Edward Whipple, Director, Occupancy Division, Department of Housing and Urban

Development, Office of Public and Indian Housing, 202 708-0744

**RIN:** 2577-AA96

### 1512. YOUTH SPORTS (P-7-91; FR-2993)

**Legal Authority:** PL 101-625; 42 USC 3535(d)

**CFR Citation:** 24 CFR 961

**Legal Deadline:** None

**Abstract:** The rule would establish the Youth Sports Program under section 502 of the National Affordable Housing Act funded from Public Housing Drug Elimination Program money (5 percent/FY). Program would be limited to public housing sites with substantial drug problems. Rule would specify entities and activities eligible for funding. Funding will require a local match from non-Federal sources of at least 50 percent of the Federal grant amount, which may not exceed 125,000 in any FY for any project. The rule would also establish application requirements and selection criteria.

**Timetable:**

Action	Date	FR Cite
NPRM	10/08/91	56 FR 50772
NPRM Comment Period End	12/09/91	
Final Action	12/00/92	

**Small Entities Affected:** Organizations

**Government Levels Affected:** Local

**Agency Contact:** Malcolm E. Main, Drug Free Neighborhood Division, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1197

**RIN:** 2577-AA98

### 1513. REPLACEMENT HOUSING FOR PUBLIC HOUSING DEMOLITION AND DISPOSITION (P-5-88; FR-2463) 1987 HCD ACT

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1437p; PL 100-242, Sec 121(a)-(d)

**CFR Citation:** 24 CFR 970

**Legal Deadline:** None

**Abstract:** This rule establishes procedures for the approval and funding of replacement housing for public housing units that have been demolished or disposed of. In addition,



HUD—PIH

Final Rule Stage

under this rule HUD may approve an application for demolition if the project is obsolete, making it unusable for housing purposes and if no reasonable program modifications are feasible to return the project to a useful life. The rule also requires HUD, in allocating assistance for public housing acquisition or development or for Section 8 moderate rehabilitation, to give consideration to housing that replaces demolished public housing units in accordance with an approved replacement plan. PHAs are prohibited from taking any action to demolish or dispose of public housing projects without obtaining HUD's approval and satisfying pertinent statutory requirements.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 30984
Interim Final Rule Effective	10/06/88	53 FR 30984
Interim Final Rule Comment Period End	10/17/88	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Janice D. Rattley, Director, Office of Construction, Rehabilitation, and Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1800

**RIN:** 2577-AA58

**1514. PFS PROJECTED OPERATING INCOME LEVEL (P-4-90; FR-2784)**

**Legal Authority:** 42 USC 1437g

**CFR Citation:** 24 CFR 990.102; 24 CFR 990.109

**Legal Deadline:** None

**Abstract:** This rule will not include original proposals affecting comprehensive occupancy plans and acceptable occupancy standards, since these elements were disfavored by Congress. The rule will continue other elements included in the proposal. Operating subsidy expenditures for vacant units will be reduced in several newly defined subcategories of vacant units. Some units removed from the rent roll for non-dwelling use in anti-drug and in economic self-sufficiency activities may continue to be eligible for full subsidy. In addition, for small PHAs/IHAs the rule will maintain the five-unit exception from the 97 percent acceptable occupancy standard.

**Timetable:**

Action	Date	FR Cite
NPRM	09/06/91	56 FR 45814
NPRM Comment Period End	11/05/91	
NPRM Comment Period Reopened	06/22/92	57 FR 27716
NPRM Second Comment Period End	07/22/92	57 FR 27716
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local

**Agency Contact:** John Comerford, Director, Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1992

**RIN:** 2577-AA84

**1515. LOW-INCOME PUBLIC HOUSING—PROJECT-BASED ACCOUNTING (P-18-91; FR-3088)**

**Legal Authority:** 42 USC 1437g; 42 USC 3535(d)

**CFR Citation:** 24 CFR 900

**Legal Deadline:** Other, Statutory, January 1, 1993. Statutory deadline for Publications of Guidelines and Timetable appropriate to implement these provisions by Jan. 1, 1993.

**Abstract:** The Department is proposing to amend 24 CFR chapter IX by adding a new subpart C in section 990 to require public housing agencies, but not Indian Housing Authorities, to establish and maintain a system of accounting for income and expenses by project or other appropriate cost center. This proposed change is directed by section 502(c) of the National Affordable Housing Act of 1990. The 1990 Act required that the Department promulgate regulations under section 553 of title 5, USC, taking into account the requirements of public housing agencies of different sizes and characteristics, to achieve compliance with the requirements of the above-cited section by January 1, 1993.

**Timetable:**

Action	Date	FR Cite
NPRM	04/03/92	57 FR 11448
NPRM Comment Period End	06/02/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local

**Agency Contact:** John T. Comerford, Director, Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1872

**RIN:** 2577-AB08

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Office of Public and Indian Housing (PIH)**

**Completed Actions**

**1516. INCOME ELIGIBILITY FOR PUBLIC HOUSING (P-2-91; FR-2979)**

**CFR Citation:** Not yet determined

**Completed:**

Reason	Date	FR Cite
Withdrawn .Merged with Rin 2577-AB19 (FR-3324)	07/22/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Agency Contact:** Edward Whipple, 202 708-0744

**RIN:** 2577-AA93



HUD—PIH

Completed Actions

**1517. PUBLIC HOUSING—  
CONTRACTING WITH RESIDENT-  
OWNER BUSINESSES (P-7-90; FR-  
2856)**

CFR Citation: 24 CFR 963

**Completed:**

Reason	Date	FR Cite
Final Action	05/11/92	57 FR 20184
Final Action Effective	06/10/92	

Small Entities Affected: Businesses,  
Organizations

Government Levels Affected: None

Agency Contact: Paul Fletcher, 202 708-  
4214

RIN: 2577-AA86

**1518. AMENDMENTS TO PART 882,  
887; ADDITIONAL GROUNDS FOR  
TERMINATION OF SECTION 8  
ASSISTANCE UNDER THE FAMILY  
SELF-SUFFICIENCY PROGRAM (P-8-  
92; FR-3098)**

CFR Citation: 24 CFR 882; 24 CFR 887

**Completed:**

Reason	Date	FR Cite
Withdrawn - Merged with RIN 2577-AB15 (FR-2961)	06/26/92	

Small Entities Affected: None

Government Levels Affected: Local,  
State

Agency Contact: Madeline Hastings,  
202 708-7424

RIN: 2577-AB17

**1519. INDIAN HOUSING PROGRAM—  
REVISED PROGRAM REGULATIONS  
(P-2-86; FR-2208)**

Significance: Regulatory Program

CFR Citation: 24 CFR 905

**Completed:**

Reason	Date	FR Cite
Final Action	06/24/92	57 FR 28240
Final Action Effective	10/01/92	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Dominic Nessi, 202  
708-1015

RIN: 2577-AA32

**1520. PUBLIC AND INDIAN HOUSING;  
CEILING RENTS (P-2-89; FR-2529)  
1987 HCD ACT**

Significance: Regulatory Program

CFR Citation: 24 CFR 0913

**Completed:**

Reason	Date	FR Cite
Withdrawn - Merged with RIN 2577-AB19 (FR-3324)	07/22/92	

Small Entities Affected: None

Government Levels Affected: Local,  
State, Federal

Agency Contact: Edward Whipple, 202  
708-0744

RIN: 2577-AA57

**1521. LEAD-BASED PAINT POISONING  
PREVENTION ACT—STEWART B.  
MCKINNEY HOMELESS ASSISTANCE  
AMENDMENTS OF 1988—SECTION  
1088 (P-19-88; FR-2583)**

**Completed:**

Reason	Date	FR Cite
Transfer Development to RIN 2501- AB46	08/19/92	

RIN: 2577-AA78

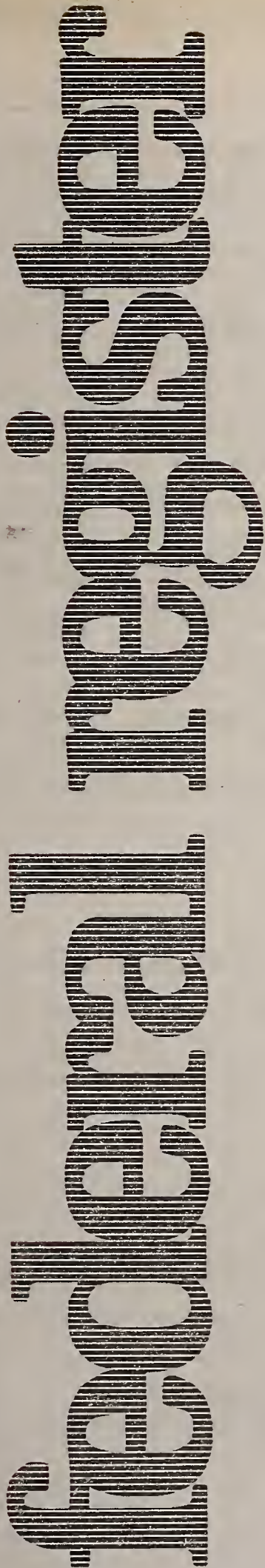
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Tuesday  
November 3, 1992



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Part X

Department of the  
Interior

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Semiannual Regulatory Agenda



**DEPARTMENT OF THE INTERIOR (DOI)**

**DEPARTMENT OF THE INTERIOR**

**Office of the Secretary**

25 CFR Ch. I

30 CFR Chs. II 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

October 1992 and April 1993. An agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

**ADDRESSES:** Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street 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 Management Improvement, Department of the Interior, at the address above or on (202) 208-6191.

**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 1992 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: August 26, 1992.

Ed Kay,

*Principal Deputy Assistant Secretary of the Interior.*

**Assistant Secretary for Policy, Management and Budget—Prerule Stage**

Se-quence Number	Title	Regulation Identifier Number
1522	Department of the Interior Acquisition Regulation.....	1090-AA14
1523	Natural Resource Damage Assessments.....	1090-AA29
1524	Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Institutions.....	1090-AA32
1525	Department of the Interior Acquisition Regulation—Commercial Advertising.....	1090-AA34

**Assistant Secretary for Policy, Management and Budget—Proposed Rule Stage**

Se-quence Number	Title	Regulation Identifier Number
1526	Natural Resource Damage Assessments.....	1090-AA21
1527	Natural Resource Damage Assessments.....	1090-AA23
1528	Department of the Interior, Nonprocurement Debarment and Suspension Regulation.....	1090-AA24
1529	Department of the Interior Acquisition Regulation; Patent Rights Under Government Contracts and Subcontracts for Experimental, Developmental or Research Work.....	1090-AA27
1530	Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments.....	1090-AA33
1531	Department of the Interior—Provisions, Assignment and Administration of Quarters.....	1090-AA35
1532	Department of the Interior—Establishment of Quarters Rental Rates.....	1090-AA36
1533	Principles of Ethical Conduct.....	1090-AA38
1534	Grants to States for Establishing Youth Conservation Corps Programs.....	1090-AA39
1535	Grants to States for Establishing Young Adult Conservation Corps (YACC) Program.....	1090-AA40



## DOI

## Assistant Secretary for Policy, Management and Budget—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1536	Natural Resource Damage Assessments.....	1090-AA22
1537	Department of the Interior, New Restrictions on Lobbying.....	1090-AA26
1538	Administrative and Audit Requirements and Cost Principles for Assistance Programs.....	1090-AA37

## Office of the Solicitor—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1539	Department of the Interior Hearings and Appeals Procedures—General Rules Relating to Procedures and Practice ...	1092-AA10

## Office of the Solicitor—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1540	Subpart E - Compulsory Process and Testimony of Employees.....	1092-AA09

## Office for Equal Opportunity—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1541	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance.....	1091-AA02

## Office of Hearings and Appeals—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1542	Rules Applicable in Indian Affairs Hearings and Appeals.....	1094-AA38

## Office of Hearings and Appeals—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1543	Rules Applicable in Indian Affairs Hearings and Appeals.....	1094-AA39
1544	Special Rules Applicable to Surface Coal Mining Hearings and Appeals.....	1094-AA42
1545	Special Rules Applicable to Surface Coal Mining Hearings and Appeals.....	1094-AA43



## DOI

## United States Fish and Wildlife Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1546	Migratory Bird Hunting .....	1018-AA24
1547	Release and Harvest of Captive-Bred Waterfowl .....	1018-AB77
1548	Migratory Bird Hunting: Hunting Regulations for Restriction of Shotshell Length .....	1018-AB80

## United States Fish and Wildlife Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1549	Convention on International Trade in Endangered Species of Wild Fauna and Flora (Endangered Species Convention) .....	1018-AA29
1550	Public Entry and Use .....	1018-AA36
1551	Refuge-Specific Sport Fishing Regulations .....	1018-AA50
1552	Refuge-Specific Hunting Regulations .....	1018-AA71
1553	Captive Bred Wildlife .....	1018-AB10
1554	Implementation of Klamath River Basin Fishery Resources Restoration Act .....	1018-AB11
1555	National Wildlife Refuges: Adding to Areas Open to Hunting and Fishing .....	1018-AB25
1556	Highly Traded Appendix II Species .....	1018-AB30
1557	Amendments to the Marine Mammal Protection Act .....	1018-AB34
1558	Federal Migratory Bird Hunting and Conservation Stamp Licensing Procedures and Guidelines .....	1018-AB40
1559	Seasons and Bag Limits for Subsistence Management Regulations .....	1018-AB43
1560	Importation, Exportation, and Transportation of Wildlife .....	1018-AB49
1561	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) .....	1018-AB50
1562	The National Coastal Wetland Conservation Grant Program .....	1018-AB68
1563	Compatibility of Permitted Uses on National Wildlife Refuges .....	1018-AB70
1564	Application Fees for Controlled Hunts on National Wildlife Refuges .....	1018-AB71
1565	List of Migratory Birds .....	1018-AB72
1566	Endangered and Threatened Wildlife and Plants: Emergency and Proposal to Establish Additional Manatee Sanctuaries in Kings Bay, Crystal River, Citrus County, Florida .....	1018-AB74
1567	Marine Mammals: Incidental Take During Specified Activities (Oil and Gas Exploration, Development and Production), in Arctic Alaska and the Beaufort Sea .....	1018-AB79
1568	Eagle Permits .....	1018-AB81

## United States Fish and Wildlife Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1569	Endangered and Threatened Wildlife and Plants .....	1018-AA85
1570	Endangered and Threatened Wildlife and Plants .....	1018-AA95
1571	Proposed Determination of Experimental Population Status for an Introduced Population of Colorado Squawfish .....	1018-AB09
1572	Injurious Wildlife: Importation of Live or Dead Fish, Mollusks, and Crustaceans, or Their Eggs .....	1018-AB13
1573	Endangered and Threatened Wildlife and Plants; Designated Ports for Plants .....	1018-AB28
1574	Endangered and Threatened Wildlife and Plants .....	1018-AB42
1575	Migratory Bird Permits: Determination that Kansas Meet Federal Falconry Standards .....	1018-AB45
1576	Cabin Management Regulations on National Wildlife Refuges in Alaska .....	1018-AB46
1577	Endangered and Threatened Wildlife and Plants .....	1018-AB52
1578	Endangered and Threatened Wildlife and Plants .....	1018-AB56
1579	Farm-raised Fish; Exemption From Fish and Wildlife Export Requirements .....	1018-AB61
1580	National Migratory Bird Harvest Information Program .....	1018-AB65
1581	Endangered and Threatened Wildlife and Plants .....	1018-AB66
1582	Endangered and Threatened Wildlife and Plants: 50 Hawaiian Plants —16 from Molokai, 23 from Kauai, and 11 from Koolau .....	1018-AB69
1583	Endangered and Threatened Wildlife and Plants .....	1018-AB73
1584	Endangered and Threatened Wildlife and Plants .....	1018-AB75
1585	Endangered and Threatened Wildlife and Plants; Removal of Special Rule Allowing a Limited Special Hunt of Grizzly Bear .....	1018-AB78



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United States Fish and Wildlife Service—Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
1586	Endangered and Threatened Wildlife and Plants: Threatened Status for Snake River Spring/Summer Chinook Salmon, Threatened Status for Snake River Fall Chinook Salmon .....	1018-AB82

United States Fish and Wildlife Service—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1587	Endangered and Threatened Wildlife and Plants .....	1018-AA98
1588	Humane Transport of Wild Mammals and Birds Amendments .....	1018-AB22
1589	Endangered and Threatened Wildlife and Plants: Revision of Special Regulations for the Grizzly Bear .....	1018-AB29
1590	Endangered and Threatened Wildlife and Plants: Definition of Vertebrate Populations .....	1018-AB47
1591	Conferring Designated Port Status on Baltimore, MD .....	1018-AB55
1592	Endangered and Threatened Wildlife and Plants: Emergency Rule to List the Kanab Ambersnail .....	1018-AB67
1593	Endangered and Threatened Wildlife and Plants; Listing the Snake River Sockeye Salmon as Endangered .....	1018-AB76

National Park Service—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1594	Fort Jefferson NM: Fishing; Boundary Adjustments .....	1024-AA96
1595	Everglades NP: Mining .....	1024-AB10
1596	Minerals Management—Nonfederal Oil and Gas .....	1024-AB39
1597	Apostle Islands National Lakeshore: Snowmobiling .....	1024-AB80
1598	Yellowstone National Park: Commercial Traffic on U.S. Highway 191 Within Yellowstone National Park .....	1024-AB82
1599	National Capital Region Parks: Special Event Rules .....	1024-AB92
1600	National Park Service Symbols: United States Park Police Insignia .....	1024-AB94
1601	Solid Waste Disposal Sites in Units of the National Park System .....	1024-AB95
1602	Rights-of-Way .....	1024-AC01
1603	Blue Ridge Parkway: Fishing .....	1024-AC02
1604	Glacier Bay: Vessel Management Plan/Regulations .....	1024-AC05
1605	Penalty Provisions .....	1024-AC06
1606	Native American Graves Protection and Repatriation Act Implementation .....	1024-AC07
1607	Curation of Federally Owned and Administered Archaeological Collections .....	1024-AC08

National Park Service—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1608	Protection of Archaeological Resources; Uniform Regulations .....	1024-AA51
1609	Management of Mineral Development Associated With Mining Claims .....	1024-AB74
1610	National Natural Landmarks Program .....	1024-AB96
1611	Glacier Bay National Park, Alaska Fishing Regulations .....	1024-AB99
1612	Alaska: Subsistence Uses .....	1024-AC03
1613	Golden Gate National Recreation Area: Off Road Bicycle Use Areas .....	1024-AC04



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## National Park Service—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1614	Alaska Region: Same-Day-Airborne Hunting Regulations.....	1024-AB81
1615	Concession Contracts and Permits.....	1024-AB98
1616	Advertising at Rock Creek Park Tennis Center.....	1024-AC11

## Bureau of Indian Affairs—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1617	Administration of the Higher Education Program.....	1076-AA10
1618	Grants to Tribally Controlled Community Colleges and Navajo Community College.....	1076-AA11
1619	Administration of the Indian Adult Education Programs.....	1076-AA15
1620	Leasing and Permitting.....	1076-AA29
1621	Roads of the Bureau of Indian Affairs.....	1076-AB05
1622	Leasing of Osage Reservation Lands for Oil/Gas Mining.....	1076-AC09
1623	Financial Assistance and Social Services Program.....	1076-AC13
1624	Certificates of Degree of Indian Blood.....	1076-AC19
1625	Revised Procedures for Implementation of the Indian Self-Determination and Education Assistance Act Amend- ments of 1988.....	1076-AC20
1626	Indian Electric Power Utilities.....	1076-AC24
1627	Leasing of Osage Reservation Lands for Mining for Minerals Other Than Oil and Gas.....	1076-AC28
1628	Safety and Health Inspection Program.....	1076-AC31
1629	Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations.....	1076-AC32
1630	Indian School Equalization Program.....	1076-AC33
1631	Leasing of Certain Lands on the Wind River Indian Reservation, Wyoming, for Oil and Gas Mining.....	1076-AC36
1632	General Forest Regulations.....	1076-AC44
1633	Deposit and Expenditure of Individual Funds of Members of the Osage Tribe of Indians Who Do Not Have Certificates of Competency.....	1076-AC45
1634	Preparation of a Roll of Independent Seminole Indians of Florida.....	1076-AC48
1635	Education Facilities Construction.....	1076-AC49
1636	Operation and Maintenance of Irrigation Projects.....	1076-AC53
1637	Operation of Alaska Resupply Program.....	1076-AC54
1638	Indian Child Welfare Act.....	1076-AC55
1639	Issuance of Patents in Fee, Certification of Competency, Removal of Restrictions, and Sale of Certain Indian Lands..	1076-AC57
1640	Law Enforcement Facilities Regulations.....	1076-AC60
1641	Individual Indian Monies.....	1076-AC65
1642	Adding New Criminal Offenses and Civil Procedures for the Courts of Indian Offenses.....	1076-AC86
1643	Sale of Forest Products, Red Lake Indian Reservation, Minnesota.....	1076-AC75
1644	Sale of Lumber and other Forest Products Produced by Indian Enterprises from the Forests on Indian Reservations..	1076-AC77
1645	Listing of Courts of Indian Offenses: Amendment.....	1076-AC78
1646	Use of Columbia River Indian In-Lieu Fishing Sites.....	1076-AC79
1647	Adult and Juvenile Detention, Holding and Community Residential Standards for Facilities and Programs.....	1076-AC80
1648	Navajo Partitioned Lands Grazing Regulations.....	1076-AC81

## Bureau of Indian Affairs—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1649	Criminal and Civil Code of Offenses and Procedures For The Courts of Indian Offense.....	1076-AA01
1650	Land Acquisitions for Tribes and Individual Indians.....	1076-AA81
1651	Oil and Gas and Geothermal Solid Mineral Agreements Leasing of Tribal Lands for Mineral Development; Leasing of Allotted Lands for Mineral Development.....	1076-AA82
1652	Protection of Archaeological Resources.....	1076-AC23
1653	Procedures for Establishing that an American Group Exists as an Indian Tribe.....	1076-AC46
1654	Buy Indian Act Procedures for Contracting.....	1076-AC50
1655	Off Reservation Land Acquisitions for Indian Tribes.....	1076-AC51



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## Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1656	Leasing of Restricted Lands of Members of Five Civilized Tribes, Oklahoma, for Mining.....	1076-AB41
1657	Minimum Standards for and Application and Approval Procedures for BIA Early Childhood Development Programs ....	1076-AC25
1658	Charges for Goods and Services Provided to Non-Federal Users .....	1076-AC29
1659	Lead and Zinc Mining Operations, Quapaw Agency.....	1076-AC30
1660	Tribal Reorganization Under a Federal Statute .....	1076-AC34
1661	Petitioning and Other Procedures for Tribes Reorganized Under Federal Statute and Other Organized Tribes.....	1076-AC35
1662	Loans to Indians From Revolving Loan Fund.....	1076-AC38
1663	Operation and Maintenance.....	1076-AC62
1664	Facilities Improvement and Repair and Replacement .....	1076-AC63
1665	Community and Economic Development Grant Program (CEDGP).....	1076-AC67
1666	Mutual Fund Investment of Trust Funds.....	1076-AC70

## Minerals Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1667	Responsibilities of Lessees, Payors and Assignees .....	1010-AB45
1668	Requirements for Cranes Installed on Fixed Platforms in the Outer Continental Shelf .....	1010-AB62
1669	Electronic Data Interchange.....	1010-AB71
1670	Oil Spill Prevention and Response for Offshore Facilities Including State Submerged Lands and Pipelines .....	1010-AB81

## Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1671	Audit Procedures and Payor Requirements and Responsibilities During Audits .....	1010-AB44
1672	Amendment to Rules Governing Installation of Shutdown Valves on Pipelines.....	1010-AB52
1673	Geological and Geophysical Explorations of the Outer Continental Shelf .....	1010-AB56
1674	Valuation of Gas Production Under Unitization or Communitization Agreements.....	1010-AB57
1675	Archaeological Surveys.....	1010-AB63
1676	Offshore Pipeline Inspection and Burial.....	1010-AB65
1677	Reduction in Royalty Rates for Offshore Oil and Gas Leases .....	1010-AB68
1678	Limitations on Credit Adjustments Submitted by Lessees and Other Royalty Payors Under Federal and Indian Mineral Leases.....	1010-AB73
1679	Collection of Royalties, Interest, and Other Amounts Due Under Federal and Indian Mineral Leases by Administrative Offset .....	1010-AB74
1680	Outer Continental Shelf Deepwater Production.....	1010-AB75
1681	Outer Continental Shelf Oil and Gas Unitized Operations .....	1010-AB76
1682	Outer Continental Shelf Oil and Gas Production Rates and Production Measurement .....	1010-AB77
1683	Outer Continental Shelf Minerals and Rights-of-Way Management, General.....	1010-AB79
1684	Prospecting for Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf .....	1010-AB80
1685	Amendment of Regulations Governing Assessments for Incorrect Reports .....	1010-AB82
1686	Amendment of Regulations Governing Late Payment Interest Charges on Solid Minerals and Geothermal Resources Leases.....	1010-AB83
1687	Documents Incorporated by Reference.....	1010-AB85

## Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1688	Amendment of Valuation Benchmarks in Gas Regulations .....	1010-AB29
1689	Clarification of Data for Release to the Public of Certain Data and Information Submitted in Association With Drilling and Production Operations.....	1010-AB34



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Minerals Management Service—Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
1690	Assessment for Failure to Submit Payment of Same Amount With Report or Bill or to Provide Adequate Information..	1010-AB35
1691	Amendment to the Regulations Concerning the Requirement for Submission of a Corporate Surety Bond to Indemnify the U.S. From Default by a Lessee on the Conditions and Terms of an OCS Lease .....	1010-AB38
1692	Regulations Governing Recoupment of Overpayments on Indian Leases.....	1010-AB40
1693	Extension of Time Period for Maintaining Records on Outer Continental Shelf Net Profit Share Oil and Gas Leases...	1010-AB46
1694	Amendments to 30 CFR 250.67—Hydrogen Sulfide .....	1010-AB50
1695	Offsetting Royalty Underpayments and Overpayments Between Different Federal or Indian Leases (Cross-Lease Netting) .....	1010-AB58
1696	Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Reporting Forms .....	1010-AB66
1697	Elimination of Form MMS-4014 .....	1010-AB72
1698	Redesignation of Financial Responsibility Certification Functions .....	1010-AB78
1699	Amendment of Production Accounting Regulations.....	1010-AB84

Minerals Management Service—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1700	Revision of Regulation Governing Effectiveness of Decisions and Orders Pending Appeal.....	1010-AB13
1701	Disclosure of Estimated Public Reporting Burden for the Collection of Information.....	1010-AB69

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1702	Federal Regulatory Programs; Permit Application Fees.....	1029-AB29
1703	Wetlands Rule.....	1029-AB47
1704	Wire Transfer of Fees.....	1029-AB50
1705	Land Use Information Rule .....	1029-AB57
1706	Removal of Parts 718 and 720.....	1029-AB58
1707	Surface Coal Mining and Reclamation Operations: Initial and Permanent Regulatory Programs; Abandoned Sites.....	1029-AB60
1708	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Programs; Performance Bonds; Alternative Bonding Systems.....	1029-AB61
1709	Transfer of Permit Rights; Successor in Interest; Ownership and Control; Permit Information and the Applicant/Violator System; Civil Penalties; Statement of Interests.....	1029-AB62
1710	Protection of Historic Properties from Surface Coal Mining Operations.....	1029-AB63
1711	Regulation of Impoundments .....	1029-AB64
1712	Regulation of Indian Lands .....	1029-AB65
1713	Revegetation Performance Standards.....	1029-AB66
1714	Enforcement of Effluent Limits .....	1029-AB67
1715	Basis for Coal Weight Determination .....	1029-AB68

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1716	Permanent Program Performance Standards; Highwall Policy .....	1029-AB10
1717	Requirements for Coal Exploration .....	1029-AB32
1718	Standards for Review of Ownership, Control, and Violation Information .....	1029-AB34
1719	Permanent Regulatory Program: Best Technology Currently Available.....	1029-AB36
1720	Permanent Regulatory Program; Performance Standards; Permanent and Temporary Impoundments .....	1029-AB40
1721	Definition and Criteria for Valid Existing Rights .....	1029-AB42
1722	Previously Mined Areas and Coal Preparation Plants - Remand .....	1029-AB45



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Office of Surface Mining Reclamation and Enforcement—Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
1723	Abandoned Mine Land Reclamation Fund Reauthorization.....	1029-AB49

Office of Surface Mining Reclamation and Enforcement—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1724	Individual Civil Penalties .....	1029-AB31
1725	Cessation of Operations: Temporary Cessation .....	1029-AB33
1726	Permanent Regulatory Program: Procedures and Criteria for Approval or Disapproval of State Program Submis- sions; State Program Amendments.....	1029-AB38
1727	Permit Rights (Transfer, Assignment, or Sales).....	1029-AB56

Bureau of Reclamation—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
1728	Procedure to Process and Recover the Value of Rights-of-Use and Administrative Costs Incurred in Permitting Such Use .....	1006-AA23

Bureau of Reclamation—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1729	Reclamation Acquisition Regulation System.....	1006-AA20
1730	Regulations for Administering Entitlements to Colorado River Water in the Lower Colorado River Basin.....	1006-AA24

Bureau of Reclamation—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1731	Acreage Limitation Rules and Regulations .....	1006-AA25

Bureau of Reclamation—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1732	Acreage Limitation Rules.....	1006-AA21



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## Bureau of Land Management—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1733	Paleontology.....	1004-AA27
1734	Unauthorized Use of Public Lands.....	1004-AA38
1735	Exploration Activity; Oil and Gas Leasing; Geothermal Resource Leasing-General.....	1004-AA97
1736	Rights-of-Way Under the Mineral Leasing Act.....	1004-AA98
1737	Rights-of-Way, Principles and Procedures.....	1004-AB00
1738	Indian Allotments.....	1004-AB10
1739	Geothermal Resource Operations.....	1004-AB18
1740	Minerals (Nonmineral Entries on Mineral Lands).....	1004-AB20
1741	Onshore Oil and Gas Operations; Special Provisions; Onshore Oil and Gas Order No. 5—Measurement of Gas.....	1004-AB22
1742	Sales of Forest Products; General—Preparation for Sale.....	1004-AB34
1743	Onshore Oil and Gas Order No. 9 - Waste Prevention and Beneficial Use of Oil and Gas.....	1004-AB47
1744	Classifications.....	1004-AB57
1745	Village Selections.....	1004-AB58
1746	Law Enforcement—Criminal.....	1004-AB67
1747	Management of Designated Wilderness Area.....	1004-AB69
1748	Availability of Public Records.....	1004-AB70
1749	Drainage, Operations, and Leasing Obligations.....	1004-AB74
1750	Sales - Federal Land Policy and Management Act.....	1004-AB77
1751	Onshore Oil and Gas Operations: Onshore Oil and Gas Order No. 4 - Measurement of Oil.....	1004-AB80
1752	Award of Contract.....	1004-AB83
1753	Protection, Management, and Control of Wild Free-Roaming Horses and Burros.....	1004-AB84
1754	Conveyance of Federally-Owned Mineral Interests.....	1004-AB86
1755	Public Law 167; Act of July 23, 1955.....	1004-AB88
1756	Grazing Administration Exclusive of Alaska.....	1004-AB89
1757	Land Withdrawals.....	1004-AB94
1758	Restorations and Revocations.....	1004-AB95
1759	Sales of Forest Products; Designation of Surplus Species.....	1004-AB96
1760	Sales of Forest Products; Law Enforcement.....	1004-AB97
1761	Surface Management.....	1004-AB99
1762	FAA Airport Grants (43 CFR 2640).....	1004-AC01
1763	Coal Management: General.....	1004-AC04
1764	Hardrock Minerals Prospecting Permits.....	1004-AC05
1765	Minerals; Cost Recovery.....	1004-AC06

## Bureau of Land Management—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1766	Onshore Oil and Gas Order No. 7 - Disposal of Produced Water.....	1004-AA66
1767	Exchanges—General Procedures.....	1004-AB28
1768	Mining Claims Under the General Mining Laws.....	1004-AB36
1769	Onshore Oil and Gas Order No. 8 - Well Workovers, Completions, Abandonments.....	1004-AB37
1770	Coal Management—General.....	1004-AB44
1771	Leases, Permits and Easements.....	1004-AB51
1772	Mining in Military Withdrawals.....	1004-AB52
1773	Public Availability of Minerals Resources Information.....	1004-AB55
1774	Cave Management.....	1004-AB59
1775	Onshore Oil and Gas Operations; Special Provisions; Onshore Oil and Gas Order No. 1 - Approval of Operations on Onshore Federal and Indian Oil and Gas Leases.....	1004-AB72
1776	Onshore Oil and Gas Unit Agreements—Unproven Areas.....	1004-AB73
1777	Mineral Materials Disposal.....	1004-AB76
1778	Protection, Management, and Control of Wild Free-Roaming Horses and Burros.....	1004-AB81
1779	Visitor Services: Rules of Conduct.....	1004-AB91
1780	Federal Land Withdrawals; Amendment to Withdrawal Procedures.....	1004-AB92
1781	Homesteading; Designation of Areas and Sites; Programs and Objectives (Administrative Final Rule).....	1004-AB98
1782	Appeals Provisions.....	1004-AC02
1783	Sales Administration.....	1004-AC03



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Bureau of Land Management—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1784	Cultural Resource Management .....	1004-AA69
1785	Recreation and Public Purposes: Solid Waste Disposal.....	1004-AA73
1786	Onshore Oil and Gas Operations; Special Provisions - Onshore Oil and Gas Order No. 3 - Site Security.....	1004-AB24
1787	Contract Extension (Timber Sales).....	1004-AB56
1788	Law Enforcement—Criminal.....	1004-AB68
1789	Onshore Oil and Gas Operations.....	1004-AB71
1790	Protection, Management, and Control of Wild Free-Roaming Horses and Burros .....	1004-AB87
1791	Utilization of Geothermal Resources .....	1004-AB90
1792	Oil and Gas Leasing: Waiver, Suspension or Reduction of Rental, Royalty or Minimum Royalty .....	1004-AC00

Bureau of Mines—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1793	Helium Distribution Contracts.....	1032-AA01
1794	Payments Required for Owners of Private Lands Upon Which the Bureau of Mines Performs Exploration or Development Work to Investigate Known Coal Deposits.....	1032-AA02
1795	Bureau of Mines Grant Programs.....	1032-AA03

Geological Survey—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1796	State Water Research Institutes.....	1028-AA03
1797	Obtaining Federal Assistance in Financing Exploration for Mineral Resources, Excluding Organic Fuels.....	1028-AA04

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

Assistant Secretary for Policy, Management and Budget (ASPMB)

**1522. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION**

**Legal Authority:** 5 USC 301; 40 USC 486(c)

**CFR Citation:** 48 CFR 1400

**Legal Deadline:** None

**Abstract:** This proposed rule makes miscellaneous revisions to the Department of the Interior Acquisition Regulation.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** The previous RIN (1090-AA14) for miscellaneous revisions to the Department of the Interior Acquisition Regulation was used for the April 18, 1991, Federal Register publication of a revision in the acquisition regulation's numbering system. This office wishes at this time to reserve another agenda entry and RIN for the publication of future

revisions to the Department of the Interior Acquisition Regulation.

**Agency Contact:** Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street N.W. (MS 5512-MIB), Washington, DC 20240, 202 203-3433

**RIN:** 1090-AA14

**1523. NATURAL RESOURCE DAMAGE ASSESSMENTS**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 9651(c)

**CFR Citation:** 43 CFR 11



DOI-ASPMB

Prerule Stage

**Legal Deadline:** None

**Abstract:** The Department is currently revising its CERCLA type B procedures based on a court ruling. Section 301(c)(3) of CERCLA requires that the regulations be reviewed and revised, as appropriate, on a biennial basis. The Department will begin a review of the type B rule once it is revised. The Department will ask trustees, other interested parties, and members of the public to draw upon their experience with the type B procedures and the general assessment process to advise the Department of areas where revisions to the process and the type B procedures may be desired. If these comments and suggestions show areas where revisions to the general process or to the type B procedures are needed, a notice of proposed rulemaking will be issued to revise the rule. This review will be closely coordinated with the rulemaking of the National Oceanic and Atmospheric Administration (Commerce), which has responsibility for natural resource damage assessment rulemaking under the Oil Pollution Act of 1990.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/02/93	
ANPRM	03/02/93	
Comment Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street,

NW., Room 2340, Washington, DC 20240, 202 208-3891

**RIN:** 1090-AA29

**1524. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS AND OTHER NONPROFIT INSTITUTIONS**

**Legal Authority:** 5 USC 301; OMB Circular A-110

**CFR Citation:** 43 CFR 12

**Legal Deadline:** None

**Abstract:** This proposed rule will implement in a regulatory format the Department's Implementation of OMB Circular A-110. Prior implementation has been limited to a reference to the applicability of the Circular. Since the revision currently under way provides an opportunity for executive agencies to use this format to facilitate the preparation of their regulations, the Department has decided to use this approach.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street N.W. (MS-5512-MIB), Washington, DC 20240, 202 208-3433

**RIN:** 1090-AA32

**1525. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION—COMMERCIAL ADVERTISING**

**Legal Authority:** 5 USC 301; 40 USC 486(c); EO 12731

**CFR Citation:** 48 CFR 1403

**Legal Deadline:** None

**Abstract:** DOI is considering a rule that would prohibit contractors, cooperators and grantees from using Government awards as the basis for commercial advertising. This will avoid the appearance of an improper preference for a particular company, and would implement EO 12731's prohibition on the use of a public office for private gain.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-3433

**RIN:** 1090-AA34

**DEPARTMENT OF THE INTERIOR (DOI)**

**Proposed Rule Stage**

**Assistant Secretary for Policy, Management and Budget (ASPMB)**

**1526. NATURAL RESOURCE DAMAGE ASSESSMENTS**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 9651(c) CERCLA

**CFR Citation:** 43 CFR 11

**Legal Deadline:** None

**Abstract:** CERCLA allows natural resource trustees to bring a claim

against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c) (2) (A) calls for the promulgation of simplified assessment procedures. The Department has begun the development of a type A procedure for use in the Great Lakes environment. After a review of the natural resource damage

assessment rule, the U.S. Circuit Court of Appeals for the District of Columbia remanded certain parts of that rule to the Department for revision. The court upheld the use of an interactive computer model, but stated that such a model should incorporate restoration or replacement costs and all reliably calculated lost use values in the damage calculations. The Department will revise its development of a type A



## DOI—ASPMB

## Proposed Rule Stage

procedure for Great Lakes environments to comply with the court's ruling.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/22/89	54 FR 39016
ANPRM	10/23/89	54 FR 39016
Comment		
Period End		
NPRM	12/01/92	
NPRM Comment	02/01/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3891

**RIN:** 1090-AA21

### 1527. NATURAL RESOURCE DAMAGE ASSESSMENTS

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 9651(c) CERCLA

**CFR Citation:** 43 CFR 11

**Legal Deadline:** None

**Abstract:** CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(A) calls for the promulgation of simplified assessment procedures. The first type A procedure for coastal and marine environments uses a computer model known as the natural resource damage assessment model for coastal and marine environments (NRDAM/CME). The U.S. Circuit Court of Appeals for the District of Columbia upheld the use of an interactive computer model, but stated that such a model should incorporate restoration or replacement costs and all reliably calculated lost use values in the damage calculations. The Department will revise the type A procedure for coastal and marine environments to comply with the court's ruling and will incorporate changes in response to the first biennial review of the type A procedure at the same time.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/22/89	54 FR 39015
ANPRM	10/23/89	54 FR 39015
Comment		
Period End		
NPRM	04/01/93	
NPRM Comment	06/01/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, 1849 C St. NW., Washington, DC 20240, 202 208-3891

**RIN:** 1090-AA23

### 1528. DEPARTMENT OF THE INTERIOR, NONPROCUREMENT DEBARMENT AND SUSPENSION REGULATION

**Legal Authority:** EO 12549; 5 USC 301; EO 12689

**CFR Citation:** 43 CFR 12

**Legal Deadline:** None

EO 12689 directed agencies to simultaneously publish proposed rules within 6 months after resolution of differences between procurement and nonprocurement rules.

**Abstract:** This action proposes a revision to the Department's regulation establishing a uniform system of nonprocurement debarment and suspension. This proposed rule would implement the requirements of paragraph (a)(1) of section 12.110, Coverage, of common final rule on Governmentwide Debarment and Suspension (Nonprocurement).

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Larry D. Cardwell, Director, Office of Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C

Street NW., Washington, DC 20240, 202 208-8668

**RIN:** 1090-AA24

### 1529. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION; PATENT RIGHTS UNDER GOVERNMENT CONTRACTS AND SUBCONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL OR RESEARCH WORK

**Legal Authority:** 35 USC 18

**CFR Citation:** 48 CFR 1400; 48 CFR 1427; 48 CFR 1452

**Legal Deadline:** None

**Abstract:** PL 98-620 amended 35 USC 18 dealing with patent rights in inventions made with Federal funding. On June 12, 1989, Federal Acquisition Regulation implementation of PL 98-620 was issued through FAC 84-48. Patent rights under Government contracts are covered in FAR subpart 27.3. FAR 27.304-5(b) requires agencies to establish and publish their respective appeals, administrative due process, and fact-finding procedures related to patent rights. The proposed Department of the Interior Acquisition Regulation coverage establishes Department of the Interior policy with regard to title rights, exception determinations, appeals, greater rights determinations, retention of rights by inventors, assignment of rights, exercise of march-in rights and licensing to third parties. It also identifies key Departmental points of contact in matters concerning patent rights. The proposed coverage supplements FAC 84-48 and amends sections 14227 and 1452, as parts of 48 CFR, chapter 14.

**Timetable:**

Action	Date	FR Cite
Next Action	Undetermined	

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy,



Management and Budget, Office of Acquisition and Property Management, Washington, DC 20240, 202 208-3433  
**RIN: 1090-AA27**

**1530. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS**

**Legal Authority:** 5 USC 301; OMB Circular A-102

**CFR Citation:** 43 CFR 12

**Legal Deadline:** None

**Abstract:** This proposed rule will amend the Department's implementation of the common rule which established consistency and uniformity among Federal agencies in the administration of grants and cooperative agreements to State, local and federally recognized Indian tribal governments and was previously published in the March 11, 1988, Federal Register (53 FR 8034). This action is necessary because of efforts underway to revise the common rule.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street N.W. (MS 5512-MIB), Washington, DC 20240, 202 208-3433

**RIN: 1090-AA33**

**1531. DEPARTMENT OF THE INTERIOR—PROVISIONS, ASSIGNMENT AND ADMINISTRATION OF QUARTERS**

**Legal Authority:** 5 USC 5911; EO 11609

**CFR Citation:** 41 CFR 114-51

**Legal Deadline:** None

**Abstract:** This proposed rule adds specificity to existing regulations and adds new Quarters management regulations which have been developed based on the recommendations of Department of the Interior (DOI) bureaus and other Federal agencies for which DOI provides Quarters

management services. The rule increases the uniformity of the Emergency Quarters Program regulations and provides greater consistency among regulations concerning the treatment of Government Quarters' occupants.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	01/00/93	
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Gregory Halier, Departmental Quarters Officer, Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Administrative Svc. Ctr (D-2910), 7301 West Mansfield Avenue, Denver, CO 80235-2230, 303 969-7240

**RIN: 1090-AA35**

**1532. DEPARTMENT OF THE INTERIOR—ESTABLISHMENT OF QUARTERS RENTAL RATES**

**Legal Authority:** 5 USC 5911; OMB Circular A-45

**CFR Citation:** 41 CFR 114-52

**Legal Deadline:** None

**Abstract:** This proposed rule implements the policies of OMB Circular A-45, "Policy Governing Charges for Rental Quarters and Related Facilities," as revised, for use by the DOI and the Federal agencies that adopt DOI's established Quarters rental rates and Quarters management policies and procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	01/00/93	
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Gregory Haller, Departmental Quarters Officer, Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Administrative Svc. Ctr. (D-

2910), 7301 West Mansfield Avenue, Denver, CO 80235-2230, 303 969-7240  
**RIN: 1090-AA36**

**1533. PRINCIPLES OF ETHICAL CONDUCT**

**Legal Authority:** Ethics in Government Act

**CFR Citation:** 5 CFR 2635

**Legal Deadline:** None

**Abstract:** The U.S. Office of Government Ethics (OGE) will issue new standards of conduct regulations in the near future. Once these regulations are issued, the DOI will be preparing special conduct regulations (applies only to DOI employees) to supplement OGE's new standards of conduct. Interior's supplemental regulations, if approved by OGE, will be codified in 5 CFR Part 2635.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mason Tsai, Deputy Ethics Program Coordinator, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-5916

**RIN: 1090-AA38**

**1534. GRANTS TO STATES FOR ESTABLISHING YOUTH CONSERVATION CORPS PROGRAMS**

**Legal Authority:** 86 Stat. 1320; 16 USC 1704

**CFR Citation:** 43 CFR 26

**Legal Deadline:** None

**Abstract:** The Department of the Interior is proposing to rescind this regulation (43 CFR 26). The Congress in 1981 terminated the grants portion of Public Law 93-408, dated September 3, 1974.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined



## DOI—ASPMB

## Proposed Rule Stage

**Agency Contact:** Ben Murdock, Office of HBCU/JC Programs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-5951

**RIN:** 1090-AA39

**1535. ● GRANTS TO STATES FOR ESTABLISHING YOUNG ADULT CONSERVATION CORPS (YACC) PROGRAM**

**Legal Authority:** PL 95-93, sec 806; 29 USC 801

**CFR Citation:** 43 CFR 32

**Legal Deadline:** None

**Abstract:** The Department of the Interior is proposing to rescind this regulation (43 CFR 32). The Congress terminated this program in 1981.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Ben Murdock, Office of HBCU/JC Programs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-5951

**RIN:** 1090-AA40

## DEPARTMENT OF THE INTERIOR (DOI)

## Final Rule Stage

## Assistant Secretary for Policy, Management and Budget (ASPMB)

**1536. NATURAL RESOURCE DAMAGE ASSESSMENTS**

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 9651(c) CERCLA

**CFR Citation:** 43 CFR 11

**Legal Deadline:** None

**Abstract:** CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(B) calls for the promulgation of a set of alternative protocols for the testing, sampling, and determining compensation for natural resource damages, referred to as the type B procedures. Final rules for the assessment of damages were promulgated by the Department consistent with those requirements. In a review of those rules, the U.S. Circuit Court of Appeals for the District of Columbia held that restoration or replacement costs are the basic measure of natural resource damages under CERCLA, and all reliably calculated lost use values of injured natural resources should also be recoverable, with no required hierarchy of methodologies for conducting those valuations. The Department is considering revisions to the proposed rule based on comments received as of July 16, 1991. The required biennial review of the Type B rule will await completion of this revision implementing the court ruling.

**Timetable:**

Action	Date	FR Cite
NPRM	04/29/91	56 FR 19752
NPRM Comment Period End	07/16/91	56 FR 30367
Final Action	01/01/93	
Final Action Effective	02/01/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, 1849 C Street NW., Washington, DC 20240, 202 208-3391

**RIN:** 1090-AA22

**1537. DEPARTMENT OF THE INTERIOR, NEW RESTRICTIONS ON LOBBYING**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-121, Sec 319; 31 USC 1352; 5 USC 301

**CFR Citation:** 43 CFR 18

**Legal Deadline:** None

**Abstract:** This final rule will prohibit recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Office of Acquisition and Property Management, Washington, DC 20240, 202 208-3433

**RIN:** 1090-AA26

**1538. ● ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS**

**Legal Authority:** EO 12731; EO 12549; 41 USC 701 et seq Drug-Free Workplace Act of 1988; 5 USC 301; PL 98-502; OMB Circular A-102; OMB Circular A-110; OMB Circular A-128; OMB Circular A-133

**CFR Citation:** 43 CFR 12

**Legal Deadline:** None

**Abstract:** This proposed rule will implement for grants and cooperative agreements Secretarial Outreach Issue Paper Decision - Issue 4 - Endorsement



**DOI—ASPMB**

**Final Rule Stage**

of Commercial Products or Services. The Secretary determined that as a matter of departmental policy, there should be a provision in all contracts (exceeding \$25,000), assistance agreements, and Memoranda of Understanding/Agreement (MOU/MOAs) that would prevent the nongovernmental party from using the arrangement to imply Government endorsement of a product, service or

position that the recipient represents in its commercial advertising.

**Timetable:**

Action	Date	FR Cite
NPRM	08/06/92	57 FR 34755
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, Acquisition and Assistance Division, MS-5512, 1849 C St. NW., Washington, DC 20240, 202 208-6432

**RIN:** 1090-AA37  
**BILLING CODE** 4310-RK-F

**DEPARTMENT OF THE INTERIOR (DOI)**

**Proposed Rule Stage**

**Office of the Solicitor (OSOL)**

**1539. ● DEPARTMENT OF THE INTERIOR HEARINGS AND APPEALS PROCEDURES—GENERAL RULES RELATING TO PROCEDURES AND PRACTICE**

**Legal Authority:** R.S. 2478, as amended; 43 USC 1201

**CFR Citation:** 43 CFR 4.21

**Legal Deadline:** None

**Abstract:** The proposed rule would revise the regulation found at 43 CFR 4.21(a) which governs the effect of an administrative decision pending appeal before the Office of Hearings and Appeals. The current rule provides that the filing of a Notice of Appeal will

automatically suspend the effect of the decision appealed from pending the decision on appeal, unless the Director, Office of Hearings and Appeals or the Appeals Board makes a special finding to the contrary. The revision would mandate that a decision remain in full force and effect pending appeal unless the appellant files a petition for a stay of the decision. In ruling on the petition the Appeals Board shall consider (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of irreparable harm to the appellant if the stay is not granted,

and (4) whether the public interest favors granting the stay.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/92	57 FR 44353
NPRM Comment	10/26/92	57 FR 44353
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Nadine Markham-Itteilag, Attorney-Advisor, Department of the Interior, Office of the Solicitor, 1849 C Street NW., Washington, DC 200240, 202 208-5216

**RIN:** 1092-AA10

**DEPARTMENT OF THE INTERIOR (DOI)**

**Final Rule Stage**

**Office of the Solicitor (OSOL)**

**1540. ● SUBPART E - COMPULSORY PROCESS AND TESTIMONY OF EMPLOYEES**

**Legal Authority:** 5 USC 301

**CFR Citation:** 43 CFR 2.80

**Legal Deadline:** None

**Abstract:** These regulations amend the Department's current regulations on employee testimony and response to subpoenas for documents. The current regulations do not provide enough guidance to allow appropriate decisions to be made as to whether testimony should be allowed or documents

released. Further, the current regulations do not have a centralized review to allow for consistent decisionmaking throughout the Department. These regulations provide guidance to those requesting testimony of employees or production of documents as to what the Department must consider to make a reasonable and just decision.

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Peg Romanik, Attorney-Advisor, Department of the Interior, Office of the Solicitor, 1849 C St. NW., MS 6531, Washington, DC 20240, 202 208-5216

**RIN:** 1092-AA09  
**BILLING CODE** 4310-17-F

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	
Final Action Effective	11/00/92	



**DEPARTMENT OF THE INTERIOR (DOI)**  
**Office for Equal Opportunity (OEO)**

**Proposed Rule Stage**

**1541. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE**

**Legal Authority:** PL 92-318, title IX of the Education Amendment of 1972; PL 93-568; PL 94-482; 20 USC 1681 to 1686

**CFR Citation:** 43 CFR 17

**Legal Deadline:** None

**Abstract:** The Title IX regulation is intended to address the problem of discrimination on the basis of sex in any education program or activity receiving or benefiting from Federal financial assistance administered by the DOI.

No alternative for addressing problems of discrimination in DOI's education programs can be considered due to the fact that Title IX requires each Federal agency which extends Federal financial assistance to any educational program or activity, to issue rules and regulations implementing Title IX.

DOI's recipients are anticipated to incur expenses in two (2) areas: (1) Data collection and recordkeeping; (2) rectifying areas of noncompliance with Title IX. With respect to DOI, expenses will be incurred in three (3) areas: (1) Development and publication of the Title IX rule; (2) provision of technical assistance; and (3) accomplishing compliance reviews and enforcement activities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Melvin C. Fowler, Supervisory Equal Opportunity Specialist, Department of the Interior, Office for Equal Opportunity, 1849 C Street NW., Washington, DC 20240, 202 208-3455

**RIN:** 1091-AA02

**BILLING CODE** 4310-RE-F

**DEPARTMENT OF THE INTERIOR (DOI)**  
**Office of Hearings and Appeals (OHA)**

**Proposed Rule Stage**

**1542. RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS**

**Legal Authority:** PL 96-274; PL 97-459; 5 USC 301

**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 agency proposes to amend its regulations in 43 CFR 4.300 through 4.308 relating to Tribal Purchase of Interests Under Special Statutes in order to provide standard

procedures for implementation of two recent statutes expanding tribal purchase rights and escheat requirements, namely, Pub. L. 96-274, applicable to the Standing Rock Sioux Reservation in North and South Dakota, and Pub. L. 97-459, applicable to the Devils Lake Sioux Reservation of North Dakota. The Department's current regulations in 43 CFR 4.300 through 4.308 apply to the Yakima, Warm Springs and Nez Perce Reservations. The proposed amendments to these regulations will incorporate provisions necessary for consideration of cases

arising under the two statutes cited above.

**Timetable:**

Action	Date	FR Cite
NPRM	03/30/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Kathryn A. Lynn, Acting Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

**RIN:** 1094-AA38

**DEPARTMENT OF THE INTERIOR (DOI)**  
**Office of Hearings and Appeals (OHA)**

**Final Rule Stage**

**1543. 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 to 1022; R.S. 463; R.S. 465; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 373a; 25 USC 373b; 25 USC 374

**CFR Citation:** 43 CFR 4.207; 43 CFR 4.242; 43 CFR 4.274

**Legal Deadline:** None

**Abstract:** The agency proposes: (1) Amendment of 4.207 to permit acceptance of compromise settlements in probate of estates of Indians who

died owning property in trust or restricted status when all parties are advised of all facts and are cognizant of effect of the compromise on their rights, and where no family member is coerced into the agreement. Such settlements are already provided for in disputed cases; (2) amendment of 4.242 to require petitioner for reopening of an estate which has been closed more than 3 years to show due diligence in pursuing the claim. This will place in the regulation case law developed over the past 18 years; (3) amendment of 4.274 by adding a new paragraph (c) for allowance of immediate payment of

claims where appropriate for better conservation of assets of the estate, and a new paragraph (d) to permit partial distribution of an estate to provide funds for the maintenance of the family where the ultimate distribution is unlikely to be disputed.

**Timetable:**

Action	Date	FR Cite
NPRM	09/06/90	55 FR 36669
NPRM Comment Period End	10/09/90	55 FR 36669
Final Action	03/30/93	

**Small Entities Affected:** None



DOI—OHA

Final Rule Stage

**Government Levels Affected:** None

**Agency Contact:** Kathryn A. Lynn, Acting Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

**RIN:** 1094-AA39

**1544. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 30 USC 1256; 30 USC 1260; 30 USC 1261; 30 USC 1264; 30 USC 1268; 30 USC 1271; 30 USC 1272; 30 USC 1275; 30 USC 1293

**CFR Citation:** 43 CFR 4.1307(c); 30 CFR 773.20(c)(3); 30 CFR 773.20(c)(4); 30 CFR 773.21(c)

**Legal Deadline:** None

**Abstract:** In accordance with the settlement agreement in *Save Our Cumberland Mountains v. Lujan*, OHA will propose rules (1) to amend the burden of proof set forth in 43 CFR 4.1307(c) in individual civil penalty proceedings, (2) to provide for hearings and a right to petition for review by the Interior Board of Land Appeals on determinations by the Office of Surface Mining (OSM), based on the Applicant Violator System, that a person is linked to a person currently in violation of the

Surface Mining Control and Reclamation Act, and (3) to provide for hearings and a right to petition for review of OSM decisions to suspend or rescind improvidently issued permits under 30 CFR 773.20(c)(3) or (4).

**Timetable:**

Action	Date	FR Cite
NPRM	09/06/91	56 FR 45806
NPRM Comment Period End	11/20/91	56 FR 55263

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Will A. Irwin, Administrative Judge, Interior Board of Land Appeals, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

**RIN:** 1094-AA42

**1545. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS**

**Legal Authority:** 5 USC 301; 30 USC 1256; 30 USC 1260; 30 USC 1261; 30 USC 1264; 30 USC 1268; 30 USC 1271; 30 USC 1272; 30 USC 1275; 30 USC 1293

**CFR Citation:** 43 CFR 4.1105; 43 CFR 4.1151; 43 CFR 4.1152; 43 CFR 4.1154; 43 CFR 4.1157; 43 CFR 4.1271

**Legal Deadline:** None

**Abstract:** Some of the regulations that govern the procedures for hearings and appeals under the Surface Mining Control and Reclamation Act of 1977 need to be amended to provide current references to other regulations, to make them consistent with other regulations, to clarify what document to file in order to appeal from the initial decision of an administrative law judge, or to provide for additional parties in certain proceedings. Amendments to 43 CFR 4.1105, 43 CFR 4.1151 et seq., and 43 CFR 4.1271 are proposed for these purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/19/91	56 FR 58330
NPRM Comment Period End	12/19/91	56 FR 58330

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Will A. Irwin, Administrative Law Judge, Interior Board of Land Appeals, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203, 703 235-3750

**RIN:** 1094-AA43

**BILLING CODE** 4310-79-F

**DEPARTMENT OF THE INTERIOR (DOI)**

Prerule Stage

**United States Fish and Wildlife Service (FWS)**

**1546. 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 current hunting season. This annual process consists 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
ANPRM	03/00/93	
NPRM	05/00/93	
<b>1992-93 early season frameworks</b>		
NPRM	07/10/92	(57 FR 30884)
Final Action	08/21/92	(57 FR 38202)
<b>1992-93 migratory bird hunting regulations</b>		
NPRM (Preliminary)	05/08/92	(57 FR 19865)
NPRM (Supplemental)	05/09/92	(57 FR 27672)

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Analysis:** Regulatory Impact Analysis; Regulatory Flexibility Analysis

**Additional Information:** SMALL ENTITIES 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. EO 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 EO 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



## DOI—FWS

## Prerule Stage

combined analysis are available from the Agency Contact.

**Agency Contact:** Thomas Dwyer, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, 703 358-1714

**RIN:** 1018-AA24

#### 1547. ● RELEASE AND HARVEST OF CAPTIVE-BRED WATERFOWL

**Legal Authority:** 16 USC 701 to 711

**CFR Citation:** 50 CFR 21.13; 50 CFR 21.14

**Legal Deadline:** None

**Abstract:** The Service is proposing to review the regulations governing the release and harvest of captive-bred waterfowl on State-licensed shooting preserves. Considerable concern has been generated about these activities and their effects on the harvest and well-being of wild populations. The possibility for introduction of diseases into wild populations remains a serious concern. Current activities may be in conflict with prohibitions against live decoys (20.21f), and baiting (20.21i).

#### Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** William Vogel, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC - 20240, 703 358-1838

**RIN:** 1018-AB77

#### 1548. ● MIGRATORY BIRD HUNTING: HUNTING REGULATIONS FOR RESTRICTION OF SHOTSHELL LENGTH

**Significance:** Agency Priority

**Legal Authority:** 16 USC 703 et seq

**CFR Citation:** 50 CFR 20

**Legal Deadline:** None

**Abstract:** Before the passage of the Migratory Bird Treaty Act (MBTA), there were no restrictions on firearms or ammunition used in the taking of migratory birds. The MBTA gave rise to regulations that required shotguns used

in the sport hunting of migratory birds to be not larger than 10 gauge. Recently, there has been a trend toward long shotshells, which defeats the intent of the present regulatory restriction to limit firepower to reduce crippling and unretrieved harvest of migratory birds. The 10 gauge 3 1/2 inch shotshell now in use has a larger payload than the 8-gauge, 3-inch shotshell outlawed for use earlier in this century. The intent is to limit shotshell length to the current maximum (3 1/2) to stop market competition for ever longer shells and to eliminate any waste of migratory gamebird resources that added shell length would induce.

#### Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Keith Morehouse, Staff Specialist, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, MS-634, Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-1773

**RIN:** 1018-AB80

## DEPARTMENT OF THE INTERIOR (DOI)

## Proposed Rule Stage

## United States Fish and Wildlife Service (FWS)

#### 1549. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (ENDANGERED SPECIES CONVENTION)

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1531 to 1543

**CFR Citation:** 50 CFR 23

**Legal Deadline:** Other, Judicial, June 11, 1992.

In accordance with Article XVI, paragraph 2 of the Convention, this addition will take effect 90 days after notification of all Party Nations.

**Abstract:** The Service adds the saffron toucanet, chestnut-eared aracari, red-breasted toucan, and the spot-billed toucanet, at the request of Argentina, and the hill myna at the request of Thailand, to Appendix II of the Endangered Species Convention. The

Convention regulates import, export, re-export, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are listed in Appendices I, II, and III to the Convention. The countries participating in this treaty, including the U.S., recently adopted species amendments to Appendices I and II. The U.S. did not enter a reservation on any of the listing amendments approved at the recent eighth meeting of the Conference of the Parties. These amendments will be implemented in a separate rulemaking action.

#### Timetable:

Action	Date	FR Cite
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NPRM 03/00/93

Final Action 10/00/93

**Proposed changes to appendices of CITES**

NPRM 03/04/92 (57 FR 7719)

Final Action 09/29/92 (57 FR 33450)

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) regulates international trade in certain species of animals and plants. Species for which trade is controlled are included in three appendices. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that although not necessarily now threatened with extinction may become so unless trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control.



DOI—FWS

Proposed Rule Stage

The final rule for this action was inadvertently published under RIN 1018-AB29.

**Agency Contact:** Charles W. Dane, Chief, Office of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 725 Arlington Square, Washington, DC 20240, 703 358-1708

RIN: 1018-AA29

### 1550. PUBLIC ENTRY AND USE

**Legal Authority:** 16 USC 460k; 16 USC 668dd

**CFR Citation:** 50 CFR 26

**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	11/00/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** Originally scheduled: April 1981.

**Agency Contact:** Robert Shallenberger, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, 703 358-1744

RIN: 1018-AA36

### 1551. REFUGE-SPECIFIC SPORT FISHING REGULATIONS

**Legal Authority:** 16 USC 460k; 16 USC 668dd

**CFR Citation:** 50 CFR 33

**Legal Deadline:** None

**Abstract:** The Service will review annually and prior to each fishing season may amend fishing regulations for specific national wildlife refuges.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Originally scheduled: October 1983

**Agency Contact:** Robert Shallenberger, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS-670 Arlington Square, Washington, DC 20240, 703 358-1744

RIN: 1018-AA50

### 1552. REFUGE-SPECIFIC HUNTING REGULATIONS

**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
NPRM	10/00/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Originally scheduled: April 1983.

**Agency Contact:** Robert Shallenberger, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, 703 358-1744

RIN: 1018-AA71

### 1553. CAPTIVE BRED WILDLIFE

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** These regulations will be reviewed to determine if further action is necessary to relieve certain restrictions on the public that may have become burdensome, counterproductive or outmoded.

#### Timetable:

Action	Date	FR Cite
ANPRM	01/07/92	57 FR 548
ANPRM	03/09/92	57 FR 548

Comment  
Period End

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, 703 358-2093

RIN: 1018-AB10

### 1554. IMPLEMENTATION OF KLAMATH RIVER BASIN FISHERY RESOURCES RESTORATION ACT

**Legal Authority:** 16 USC 480ss

**CFR Citation:** 50 CFR 72

**Legal Deadline:** None

**Abstract:** This rule implements the Klamath River Basin Fishery Resources Restoration Act. These include establishment of qualifications for volunteers, establishment of standards for determining the value of in-kind contributions and real and personal property provided by non-Federal sources to implement the conservation area restoration program, and establishment of the basis for determining whether matching funds will be provided in a timely and appropriate manner.

#### Timetable:

Action	Date	FR Cite
ANPRM	03/25/87	52 FR 9550
ANPRM	05/11/87	

Comment  
Period End

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Gary Edwards, Assistant Director - Fisheries, Department of the Interior, United States Fish and Wildlife Service, MS - 3245 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-6394

RIN: 1018-AB11



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**1555. NATIONAL WILDLIFE REFUGES: ADDING TO AREAS OPEN TO HUNTING AND FISHING**

**Legal Authority:** 5 USC 301; 16 USC 460K; 16 USC 664; 16 USC 668dd; 16 USC 715i

**CFR Citation:** 50 CFR 32; 50 CFR 33

**Legal Deadline:** None

**Abstract:** National Wildlife Refuges are generally closed to hunting or fishing until specifically opened by rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert Shallenberger, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, 703 358-1744

**RIN:** 1018-AB25

**1556. HIGHLY TRADED APPENDIX II SPECIES**

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 23

**Legal Deadline:** None

**Abstract:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in listed plants and animals. The Service, as management and scientific authorities, must make appropriate determinations concerning Appendix II listed species prior to granting export approval to these listed species. Notice in the Federal Register is required by United States law in the determination process.

**Timetable:**

**American Alligators harvested in 1992-94**  
 NPRM 09/25/91 (56 FR 48512)  
 Final Action 05/26/92 (57 FR 21896)

**Next Action:** Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS -

432 Arlington Square, Washington, DC 20240, 703 358-2093

**RIN:** 1018-AB30

**1557. AMENDMENTS TO THE MARINE MAMMAL PROTECTION ACT**

**Legal Authority:** 16 USC 1361 to 1407

**CFR Citation:** 50 CFR 18

**Legal Deadline:** None

**Abstract:** The Service proposes to amend regulations to reflect the 1988 amendments to the Marine Mammal Protection Act pertaining to permits.

**Timetable:**

Action	Date	FR Cite
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**Next Action:** Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 430 Arlington Square, Washington, DC 20240, 703 358-2093

**RIN:** 1018-AB34

**1558. FEDERAL MIGRATORY BIRD HUNTING AND CONSERVATION STAMP LICENSING PROCEDURES AND GUIDELINES**

**Legal Authority:** 16 USC 718

**CFR Citation:** 50 CFR 91

**Legal Deadline:** None

**Abstract:** The Service intends to develop rules governing the licensing of the Federal Migratory Bird Hunting and Conservation Stamp design, commonly referred to as the Federal Duck Stamp, for reproduction on appropriate products manufactured and offered for sale by private enterprises and organizations.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/27/90	55 FR 30727
ANPRM	08/27/90	55 FR 30727
Comment		
Period End		

**Next Action:** Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Norma Opgrand, Chief, Federal Duck Stamp Program, Department of the Interior, United States Fish and Wildlife Service, MS - 2058 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-4354

**RIN:** 1018-AB40

**1559. SEASONS AND BAG LIMITS FOR SUBSISTENCE MANAGEMENT REGULATIONS**

**Significance:** Regulatory Program

**Legal Authority:** 16 USC 3111 to 3126

**CFR Citation:** 50 CFR 100

**Legal Deadline:** None

**Abstract:** This rule amends management regulations for subsistence hunting, trapping, and fishing on Federal lands in Alaska. The regulations implement the subsistence priority provisions for rural residents for Alaska under the Alaska National Interest Lands Conservation Act and provide for issuance of subsistence hunting, trapping, and fishing seasons and bag limits. Due to a decision by State court, management responsibility for subsistence taking of fish and wildlife was assumed by the Federal land management agencies in 1990.

This rule also provides for the seasonal bag limits and dates for subsistence hunting, trapping, and fishing on Federal lands in Alaska. The seasons and bag limits are developed in cooperation with State and local governmental entities to ensure that fish and wildlife populations in the State are adequately protected.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
Final Action	05/00/93	
<b>Subsistence Management Regulations for Federal Lands in Alaska</b>		
NPRM	01/30/92	(57 FR 3676)
Final Action	05/29/92	(57 FR 22940)
<b>1992-93 seasons &amp; bag limits</b>		
NPRM	12/09/91	(56 FR 64404)
NPRM Comment Period End	01/23/92	
Final Action	05/28/92	(57 FR 22530)

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Additional Information:** ANILCA requires the Secretaries of Interior and Agriculture to implement a joint program to grant a preference in favor of subsistence uses of fish and wildlife



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resources on public lands unless the State of Alaska enacts and implements laws of general applicability consistent with ANILCA's requirements. The State implemented such a program; however, in December 1989, the Alaska Supreme Court ruled such program unconstitutional. As a result of that decision, the Departments of Interior and Agriculture were required to take over the implementation of title VIII of ANILCA on Federal lands on July 1, 1990. On June 29, 1990, the temporary Subsistence Management Regulations for Public Lands in Alaska were published in the Federal Register. The Service proposes to extend the temporary subsistence managements regulations to June 1992 in a separate rulemaking action.

**Agency Contact:** Richard S. Pospahala, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, AK 99503, 907 786-3447

**RIN:** 1018-AB43

**1560. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE**

**Legal Authority:** 16 USC 3371 et seq; 16 USC 1532 et seq; 16 USC 1382; 16 USC 703 et seq

**CFR Citation:** 50 CFR 14

**Legal Deadline:** None

**Abstract:** The Service will amend 50 CFR 14 to permit the use of the U.S. Customs Service's Automated Commercial System (ACS) for the declaration and clearance of importations and exportation of wildlife.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** The ACS system is being tested in several ports of entry. The Service will amend 50 CFR 14 when the system is fully implemented by the Customs Service.

**Agency Contact:** John Doggett, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS-

500, Arlington Square, Washington, DC 20240, 703 358-1949

**RIN:** 1018-AB49

**1561. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)**

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 23

**Legal Deadline:** None

**Abstract:** The Service proposes to amend 50 CFR 23, subparts A and B, to consider the following proposals recommended by the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora: (1) Whether or not to reduce the paperwork burden for trade in certain hybrid plants. Such reduction would cause slight risks to wild plants, but a substantial reduction of administrative and public burdens. (2) Whether to require a fitness-to-travel checklist to reduce the high mortality/morbidity in the shipment of live animals. Processing such checklists would increase costs but would also increase awareness of live animals transport requirements/needs. (3) To allow innocent infractions of regulations to be cured by issuance of permits retroactively. While such action would increase costs slightly, there would be slight reductions in the cost of processing violations and such action would encourage voluntary compliance.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Arthur Lazarowitz, Chief, Operations Branch, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2093

**RIN:** 1018-AB50

**1562. THE NATIONAL COASTAL WETLAND CONSERVATION GRANT PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 3954

**CFR Citation:** 50 CFR 84

**Legal Deadline:** None

**Abstract:** The National Coastal Wetland Conservation Grant Program was established through the Coastal Wetlands Planning, Protection and Restoration Act. Funding for this grant program is provided from a portion of the funds deposited in the Sport Fish Restoration Account of the Federal Aid program. The proposed rules for 50 CFR 84 will be used for uniform administration of this new grant program. Such rules are needed to establish procedures from the selection and uniform administration of grants funded under the Act. Since grantees are State agencies, the requirements contained in 43 CFR 12 are applicable to audits, costs, and administration of grants under this program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Columbus H. Brown, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, MS - 322 Arlington Square, Washington, DC 20240, 703 358-2156

**RIN:** 1018-AB68

**1563. COMPATIBILITY OF PERMITTED USES ON NATIONAL WILDLIFE REFUGES**

**Legal Authority:** 16 USC 668dd

**CFR Citation:** 50 CFR 25; 50 CFR 26; 50 CFR 29

**Legal Deadline:** None

**Abstract:** This rulemaking would revise portions of 50 CFR 25, 26 and 29 to define and provide standards for the compatibility of permitted uses on the National Wildlife Refuge System. Congress has expressed concern that all uses permitted on national wildlife refuges be consistently "compatible" with the purposes for which the respective refuges were established.



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This rulemaking would provide a uniform definition for "compatible" use and, consequently, allow enhanced protection to the national wildlife refuge system.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

**Agency Contact:** Robert Shallenberger, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, 703 358-1744

RIN: 1018-AB70

### 1564. APPLICATION FEES FOR CONTROLLED HUNTS ON NATIONAL WILDLIFE REFUGES

**Legal Authority:** 16 USC 668dd**CFR Citation:** 50 CFR 25**Legal Deadline:** None

**Abstract:** The popularity of controlled hunts has increased greatly over the last several years. Consequently, the number of applications for hunting permits has increased proportionately to such an extent that individual national wildlife refuges have been overburdened financially, and in terms of personnel work hours, with their review of such applications for permit eligibility and issuance. The purpose of this rulemaking is to provide a regulation that will pertain to the establishment of application fees for controlled hunts on national wildlife refuges. The establishment of an application fee would defray the additional burden placed upon the individual national wildlife refuge managing a controlled hunt.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

**Agency Contact:** Robert Shallenberger, Chief, Division of Refuges, Department of the Interior, United States Fish and

Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, 703 358-1744

RIN: 1018-AB71

### 1565. LIST OF MIGRATORY BIRDS

**Legal Authority:** 16 USC 704; 16 USC 712**CFR Citation:** 50 CFR 10.13**Legal Deadline:** None

**Abstract:** The List of Migratory Birds found at 50 CFR 10.13 is being revised to (1) bring the list into conformity with generally accepted taxonomy and nomenclature--English (common) and scientific names, as reflected in four published supplements to the 6th (1983) edition of the American Ornithologists' Union Check-list of North American Birds; and (2) add species that are of regular occurrence in the United States that are not included on the current list.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Thomas J. Dwyer, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, 703 358-1714

RIN: 1018-AB72

### 1566. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS: EMERGENCY AND PROPOSAL TO ESTABLISH ADDITIONAL MANATEE SANCTUARIES IN KINGS BAY, CRYSTAL RIVER, CITRUS COUNTY, FLORIDA

**Significance:** Agency Priority**Legal Authority:** 16 USC 1531 to 1544**CFR Citation:** 50 CFR 17**Legal Deadline:** Final, 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 1 year after such proposal.

**Abstract:** The Fish and Wildlife Service proposes to establish four additional manatee sanctuaries (32 acres) in Kings

Bay, Crystal River, Citrus County, Florida. All waterborne activities would be prohibited in these sanctuaries from November 15 through March 31 of each year. The proposed action would prevent the taking of manatees by harassment resulting from waterborne activities during the winter months. The number of sanctuaries in Kings Bay would be increased from three (10.7 acres) to seven (42.7 acres) to accommodate the increase in the number of manatees using the area each winter, and to offset the harassment from increasing public use.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/07/92	57 FR 4745
NPRM	12/00/92	

**Establishment of manatee sanctuaries**  
FINAL ACTION (Emergency rule)  
02/19/92 (57 FR 5988)

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

**Additional Information:** An emergency rule will implement Federal protection for 240 days. A proposed rule to list and provide additional manatee protection areas will follow the emergency rulemaking and will allow for public comment.

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB74

### 1567. ● MARINE MAMMALS: INCIDENTAL TAKE DURING SPECIFIED ACTIVITIES (OIL AND GAS EXPLORATION, DEVELOPMENT AND PRODUCTION), IN ARCTIC ALASKA AND THE BEAUFORT SEA

**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 18.121**Legal Deadline:** None

**Abstract:** The Marine Mammal Protection Act allows for periods of up to 5 years the incidental, but not intentional, take in specified activities (other than commercial fishing) of marine mammals if it is determined, based on the best scientific evidence available, that the total of such taking for the 5-year period will have a



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negligible impact on the marine mammal species and will not have an unmitigable adverse impact on the availability of these species for subsistence uses by Alaskan Natives. BP Exploration (Alaska) Inc., on behalf of itself and 14 other Petitioners, on December 17, 1991, submitted applications to the Service for promulgation of regulations to allow the incidental take of polar bears and walrus during year-round oil and gas exploration, development and production activities in Coastal Arctic Alaska and the Beaufort Sea.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** James G. Geiger, Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-1718

**RIN:** 1018-AB79

**1568. ● EAGLE PERMITS**

**Legal Authority:** 16 USC 668

**CFR Citation:** 50 CFR 22

**Legal Deadline:** None

**Abstract:** Presently, the taking, possession, and transportation of bald or golden eagles, or their parts, nests, or eggs for the religious use of Native Americans is a permitted activity. The

Service proposes to revise 50 CFR 22.22 to provide an import or export mechanism for eagle feathers legally possessed by Native Americans.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Thomas L. Striegler, Deputy Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS 550 - Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-1949

**RIN:** 1018-AB81

## DEPARTMENT OF THE INTERIOR (DOI)

## Final Rule Stage

## United States Fish and Wildlife Service (FWS)

**1569. ENDANGERED AND THREATENED WILDLIFE AND PLANTS**

**Legal Authority:** 16 USC 1531 to 1543

**CFR Citation:** 50 CFR 17

**Legal Deadline:** Final, 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:**

<b>Inyo brown towhee (critical habitat)</b>
NPRM 08/03/87 (52 FR 28787)
Final Action 00/00/00
<b>Inyo brown towhee (listing)</b>
NPRM 11/23/84 (49 FR 46174)
Final Action 08/03/87 (52 FR 28717)

**Small Entities Affected:** None

**Government Levels Affected:** State

**Additional Information:** Originally scheduled: April 1985.

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS -

452 Arlington Square, Washington, DC 20240, 703 358-2171

**RIN:** 1018-AA85

**1570. ENDANGERED AND THREATENED WILDLIFE AND PLANTS**

**Legal Authority:** 16 USC 1531 to 1544

**CFR Citation:** 50 CFR 17

**Legal Deadline:** Final, 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:**

<b>Least Bell's vireo critical habitat</b>
NPRM Revised 08/07/92 (57 FR 34892)
Final Action 00/00/00

**Least Bell's vireo listing**

NPRM 05/03/85 (50 FR 18968)

Final Action 05/02/86 (51 FR 16474)

**Small Entities Affected:** None

**Government Levels Affected:** State

**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:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, Washington, DC 20240, 703 358-2171

**RIN:** 1018-AA95

**1571. PROPOSED DETERMINATION OF EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF COLORADO SQUAWFISH**

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** The Service proposes to introduce Colorado squawfish (*Ptychocheilus lucius*) into the lower



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Colorado River in Arizona and to determine the population to be "nonessential experimental" population according to section 10(j) of the Endangered Species Act. The Service will propose a special rule to allow take in accordance with State law. In the past, Colorado squawfish were more widespread in the State of Arizona, occurring in several river drainages. This action is being taken in an effort to establish an additional population within the species' historic range.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/87	52 FR 32143
NPRM Comment	10/26/87	52 FR 32143
Period End		

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** State

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, Washington DC 20240, 703 358-2171

RIN: 1018-AB09

### 1572. INJURIOUS WILDLIFE: IMPORTATION OF LIVE OR DEAD FISH, MOLLUSKS, AND CRUSTACEANS, OR THEIR EGGS

**Legal Authority:** 18 USC 42**CFR Citation:** 50 CFR 16**Legal Deadline:** None

**Abstract:** Regulations regarding importation of fish or fish eggs of the fish family Salmonidae will be revised to reflect current scientific information.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/17/89	54 FR 33947
NPRM	07/07/92	57 FR 29856
NPRM Comment	08/21/92	57 FR 29856
Period End		
Final Action	11/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Joseph J. Webster, Chief, Division of Fish Hatcheries, Department of the Interior, United States Fish and Wildlife Service, MS -

820 Arlington Square, Washington, DC 20240, 703 358-1715

RIN: 1018-AB13

### 1573. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATED PORTS FOR PLANTS

**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 24; 7 CFR 300 to 399; 50 CFR 17.12; 50 CFR 23.23**Legal Deadline:** None

**Abstract:** The Service proposes to amend regulations by adding an additional part to the list of those designated for listed plants.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/06/89	54 FR 41295
Comment		
Period End		
NPRM	12/05/89	54 FR 41295

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, 703 358-2093

RIN: 1018-AB28

### 1574. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17

**Legal Deadline:** Final, 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 1 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:****African elephant**

NPRM 03/18/91 (56 FR 11392)  
NPRM, Extension of comment period 07/19/91 (56 FR 33241)  
NPRM, Reopen comment period 01/08/92 (57 FR 658)  
Final Action 08/10/92 (57 FR 35473)

**Argali sheep**

NPRM 10/05/90 (55 FR 40890)  
NPRM, Extension of comment period 10/25/91 (56 FR 55266)  
Final Action 06/23/92 (57 FR 28014)

**Ka'u silversword**

NPRM 08/06/90 (55 FR 31860)  
Final Action 00/00/00

**Nile crocodile in Zimbabwe, reclassified to threatened**

NPRM 08/03/92 (57 FR 34095)  
Final Action 00/00/00

**Saltwater crocodile in Australia**

NPRM 09/27/90 (55 FR 39489)  
Final Action 00/00/00

**Small Entities Affected:** None**Government Levels Affected:** State

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB42

### 1575. MIGRATORY BIRD PERMITS: DETERMINATION THAT KANSAS MEET FEDERAL FALCONRY STANDARDS

**Legal Authority:** 16 USC 703 to 712**CFR Citation:** 50 CFR 21**Legal Deadline:** None

**Abstract:** The Service proposes to revise 50 CFR 21 to add Kansas to the list of States participating in the joint Federal/State falconry permit system. The Director has determined that the falconry laws of the State meet or exceed the minimum Federal standards for the use of certain migratory birds for falconry. The proposed rule would permit the practice of falconry in that State.

**Timetable:**

Action	Date	FR Cite
NPRM	11/14/90	55 FR 47498
NPRM Comment	12/14/90	55 FR 47498
Period End		

Next Action Undetermined



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**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** John Doggett, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington, DC 20240, 703 358-1949**RIN:** 1018-AB45**1576. CABIN MANAGEMENT REGULATIONS ON NATIONAL WILDLIFE REFUGES IN ALASKA****Legal Authority:** 16 USC 460k**CFR Citation:** 50 CFR 36**Legal Deadline:** None**Abstract:** The Service proposes to revise and clarify regulations contained in 50 CFR 36.33.**Timetable:**

Action	Date	FR Cite
NPRM	04/25/91	56 FR 19074

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Robert Karges, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, 703 358-1744**RIN:** 1018-AB46**1577. ENDANGERED AND THREATENED WILDLIFE AND PLANTS****Significance:** Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** Final, 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:****Banbury Springs limpet**NPRM 12/18/90 (55 FR 51931)  
Final Action 00/00/00**Bliss Rapids snail**NPRM 12/18/90 (55 FR 51931)  
NPRM, Reopen comment period  
10/07/91 (56 FR 50550)  
Final Action 00/00/00**Butte County meadowfoam**NPRM 02/15/91 (56 FR 6345)  
Final Action 06/08/92 (57 FR 24192)**Chamaesyce halemanul**NPRM 09/26/90 (55 FR 39301)  
NPRM, reopen comment period 12/26/90  
(55 FR 53014)  
Final Action 05/13/92 (57 FR 20580)**Dubautia latifolia**NPRM 09/26/90 (55 FR 39301)  
NPRM, reopen comment period 12/26/90  
(55 FR 53014)  
Final Action 05/13/92 (57 FR 20580)**Florida skullcap**NPRM 12/18/90 (55 FR 51936)  
Final Action 05/08/92 (57 FR 19813)**Gouania meyenii**NPRM 09/28/90 (55 FR 39664)  
Final Action 10/29/91 (56 FR 55770)**Hawaiian bluegrass**NPRM 09/26/90 (55 FR 39301)  
NPRM, reopen comment period 12/26/90  
(55 FR 53014)  
Final Action 05/13/92 (57 FR 20580)**Hawaiian red flowered geranium**NPRM 01/23/91 (56 FR 2490)  
Final Action 05/13/92 (57 FR 20589)**Hedyotis degeneri**NPRM 09/28/90 (55 FR 39664)  
Final Action 10/29/91 (56 FR 55770)**Idaho springsnail**NPRM 12/18/90 (55 FR 51931)  
NPRM, reopen comment period 10/07/91  
(56 FR 50550)  
Final Action 00/00/00**Indus River dolphin**NPRM 01/14/91 (56 FR 1464)  
NPRM, reopen comment period 10/07/91  
(56 FR 50550)  
Final Action 00/00/00**Marsilea villosa ('Ihi' Ihi')**NPRM 02/15/91 (56 FR 6349)  
Final Action 06/22/92 (57 FR 27863)**Penland alpine fen mustard**NPRM 10/15/90 (55 FR 41725)  
NPRM, extension of comment period  
10/28/91 (56 FR 55487)  
NPRM, reopen comment period 12/24/91  
(56 FR 66614)  
Final Action 00/00/00**Poa siphonoglossa**NPRM 09/26/90 (55 FR 39301)  
Final Action 05/13/92 (57 FR 20580)**Snake River Physa snail**NPRM 12/18/90 (55 FR 51931)  
NPRM, reopen comment period 10/07/91  
(56 FR 50550)  
Final Action 00/00/00**Stenogyne campanulata**NPRM 09/26/90 (55 FR 39301)  
NPRM, reopen comment period 12/26/90  
(55 FR 53014)  
Final Action 05/13/92 (57 FR 20580)**Stenogyne kanehoana**NPRM 01/23/91 (56 FR 2493)  
Final Action 00/00/00**Telephus spurge**NPRM 12/18/90 (55 FR 51936)  
Final Action 05/08/92 (57 FR 19813)**Utah valvata snail**NPRM 12/18/90 (55 FR 51931)  
NPRM, Reopen comment period  
10/07/91 (56 FR 50550)  
Final Action 00/00/00**White birds-in-a-nest**NPRM 12/18/90 (55 FR 51936)  
Final Action 05/08/92 (57 FR 19813)**Xyosma crenatum**NPRM 09/26/90 (55 FR 39301)  
NPRM, reopen comment period 12/26/90  
(55 FR 53014)  
Final Action 05/13/92 (57 FR 20580)**Small Entities Affected:** None**Government Levels Affected:** State**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171**RIN:** 1018-AB52**1578. ENDANGERED AND THREATENED WILDLIFE AND PLANTS****Significance:** Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** Final, 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 1 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.



## DOI—FWS

## Final Rule Stage

## Timetable:

**Oha wai**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Acaena exigua (lilliwai)**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Alectryon macrococcus (mahoe)**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Beach layla**

NPRM, Reopen comment period  
11/22/91 (56 FR 58869)  
NPRM 03/22/92 (56 FR 12318)  
Final Action 06/22/92 (57 FR 27848)

**Blue shlnr**

NPRM 04/19/91 (56 FR 16054)  
Final Action 04/22/92 (57 FR 14786)

**Cambarus aculabrum cave crayfish**

NPRM 05/26/92 (57 FR 21929)  
Final Action 05/00/93

**Capa rosa**

NPRM 04/19/91 (56 FR 16059)  
Final Action 04/22/92 (57 FR 14782)

**Clover lupine**

NPRM 03/22/91 (56 FR 12318)  
NPRM, Reopen comment period  
11/22/91 (56 FR 58869)  
Final Action 06/22/92 (57 FR 27848)

**Coastal California gnatcatcher**

NPRM 09/17/91 (56 FR 47053)  
NPRM Reopen Comment Period  
09/22/92 (57 FR 43686)  
Final Action 00/00/00

**Cyanea lobata (haha)**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 27848)

**Cyanea mceidowneyi (haha)**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 27848)

**Cyrtandra munroi (ha'iwale)**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Duskytail darter**

NPRM 07/08/92 (57 FR 30191)  
Final Action 07/00/93

**Geranium multiflorum (nohanu)**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Goldline darter**

NPRM 04/19/91 (56 FR 16054)  
Final Action 04/22/92 (57 FR 14786)

**Guam bridled white-eye, critical habitat**

NPRM 06/14/91 (56 FR 27485)  
NPRM, reopen comment period 06/12/92  
(57 FR 25007)  
Final Action 00/00/00

**Guam broadbill, critical habitat**

NPRM 06/14/91 (56 FR 27485)  
NPRM, reopen comment period 06/12/92  
(57 FR 25007)  
Final Action 00/00/00

**Guam Micronesian kingfisher, critical habitat**

NPRM 06/14/91 (56 FR 27485)  
NPRM, reopen comment period 06/12/92  
(57 FR 25007)  
Final Action 00/00/00

**Haleakala silversword, 'ahinahina**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Hedyotis corlacea (kio'ele)**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Howell's spineflower**

NPRM 03/22/91 (56 FR 12318)  
Final Action 06/22/92 (57 FR 27848)

**Huperzia mannii (wawae'iole)**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Ilex sintenisii**

NPRM 04/19/91 (56 FR 16059)  
Final Action 04/22/92 (57 FR 14782)

**Ko'oko'olau**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Leedy's roseroot**

NPRM 06/18/91 (56 FR 27938)  
Final Action 04/22/92 (57 FR 14649)

**Little Mariana fruit bat, critical habitat**

NPRM 06/14/91 (56 FR 27485)  
NPRM, reopen comment period 06/12/92  
(57 FR 25007)  
Final Action 00/00/00

**Lysimachia lydgateli**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Marbled murrelet**

NPRM 06/20/91 (56 FR 28362)  
NPRM, reopen comment period 01/30/92  
(57 FR 3604)  
NPRM Reopen Comment Period  
07/29/92 (57 FR 33478)  
Final Action 00/00/00

**Mariana crow, critical habitat**

NPRM 06/14/91 (56 FR 27485)  
NPRM, reopen comment period 06/12/92  
(57 FR 25007)  
Final Action 00/00/00

**Mariana fruit bat, critical habitat**

NPRM 06/14/91 (56 FR 27485)  
NPRM, reopen comment period 06/12/92  
(57 FR 25007)  
Final Action 00/00/00

**Melicope mucronulata (alani)**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Menzie's wallflower**

NPRM 03/22/91 (56 FR 12318)  
NPRM, Reopen comment period  
11/22/91 (56 FR 58869)  
Final Action 06/22/92 (57 FR 27848)

**Monterey gilia**

NPRM 03/22/91 (56 FR 12318)  
NPRM, Reopen comment period  
11/22/91 (56 FR 58869)  
Final Action 06/22/92 (57 FR 27848)

**Myrtle's silverspot butterfly**

NPRM 03/22/91 (56 FR 12318)  
NPRM, Reopen comment period  
11/22/91 (56 FR 58869)  
Final Action 06/22/92 (57 FR 27848)

**Nehe (Lipochaeta kamolensis)**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Nelson's checker-mallow**

NPRM 06/07/91 (56 FR 26373)  
NPRM, extension of comment period  
07/23/91 (56 FR 33741)  
Final Action 00/00/00

**Palezone shlnr**

NPRM 07/08/92 (57 FR 30191)  
Final Action 07/00/93

**Palo colorado**

NPRM 04/19/91 (56 FR 16059)  
Final Action 04/22/92 (57 FR 14782)

**Palo de jazmin**

NPRM 04/19/91 (56 FR 16059)  
Final Action 04/22/92 (57 FR 14782)

**Pygmy madtom**

NPRM 07/08/92 (57 FR 30191)  
Final Action 07/00/93

**Schleidea haleakalensis**

NPRM 05/24/91 (56 FR 23842)  
Final Action 05/15/92 (57 FR 20772)

**Sonoma spineflower**

NPRM 03/22/91 (56 FR 12318)  
NPRM, Reopen comment period  
11/22/91 (56 FR 58869)  
Final Action 06/22/92 (57 FR 27848)

**Ternstroemia subsessilis**

NPRM 04/19/91 (56 FR 16059)  
Final Action 04/22/92 (57 FR 14782)

**Small Entitles Affected: None****Government Levels Affected: State**

**Agency Contact:** Larry Shannon, Chief,  
Division of Endangered Species,  
Department of the Interior, United  
States Fish and Wildlife Service, MS-  
452 Arlington Square, 1849 C Street  
NW., Washington, DC 20240, 703 358-  
2171

**RIN:** 1018-AB56

**1579. FARM-RAISED FISH;  
EXEMPTION FROM FISH AND  
WILDLIFE EXPORT REQUIREMENTS**

**Significance:** Agency Priority

**Legal Authority:** 18 USC 42

**CFR Citation:** 50 CFR 14

**Legal Deadline:** None

**Abstract:** The Service has determined that the export of live farm-raised fish and farm-raised fish eggs does not adversely affect the wild resources. This rulemaking would exempt exporters from licensing requirements, designated port requirements, and payment of user fees. This rule will relieve exporters of the requirement of obtaining an import/export license (\$125 per year), and of the payment of user fees (\$25 per shipment).

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/92	57 FR 30457
NPRM Comment Period End	08/10/92	57 FR 30457
Final Action	12/00/92	

**Small Entitles Affected: None**

**Government Levels Affected: None**

**Agency Contact:** John Doggett, Chief,  
Division of Law Enforcement,



DOI-FWS

Final Rule Stage

Department of the Interior, United States Fish and Wildlife Service, MS-500, Arlington Square, Washington, DC 20240, 703 358-1949

RIN: 1018-AB61

### 1530. NATIONAL MIGRATORY BIRD HARVEST INFORMATION PROGRAM

**Significance:** Agency Priority

**Legal Authority:** 16 USC 701 to 711; 16 USC 742(a) to 742(d); 16 USC 742(e) to 742(j); 16 USC 712

**CFR Citation:** 50 CFR 20

**Legal Deadline:** None

**Abstract:** There is a need to obtain better estimates of migratory bird harvests toward the end of aiding decisions affecting the ability to maintain populations at healthy levels. Names and addresses of a representative sample of migratory bird hunters are needed in order to develop improved surveys that are free from bias. The action will be to develop, through existing State and Federal hunter licensing activities, a more reliable sample of names and addresses of persons who hunt migratory birds than is currently available. One proposed alternative would require all migratory bird hunters to obtain and maintain in their possession a program card. Cards would be available through the State license vendors, with States having the option to charge a fee to recover administrative and distribution costs. More efficient and less costly means of acquiring the necessary names and addresses may exist. Therefore, the FWS will solicit recommendations for alternatives to the previously identified option. The main benefit of the proposed action will be to increase the quality and extent of migratory bird harvest information.

#### Timetable:

Action	Date	FR Cite
ANPRM	06/24/91	56 FR 28812
ANPRM	08/01/91	56 FR 28812
Comment Period End		
NPRM	06/10/92	57 FR 24736
NPRM Comment Period End	07/10/92	57 FR 24736
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Paul H. Geissler, Chief, Waterfowl Harvest Surveys

Section, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Patuxent Wildlife Research Center, Route 197 and Powder Mill Road, Laurel, MD 20708-9619, 301 498-0401

RIN: 1018-AB65

### 1581. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** Final, 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 1 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:

<b>Addax antelope</b>	NPRM 11/05/91 (56 FR 56491)
	NPRM, reopen comment period 06/08/92 (57 FR 24220)
	Final Action 00/00/00
<b>Alabama moccasinshell mussel</b>	NPRM 11/19/91 (56 FR 58339)
	Final Action 11/00/92
<b>Alabama streak-sorus fern</b>	NPRM 11/29/91 (56 FR 60957)
	Final Action 07/08/92 (57 FR 30164)
<b>American chaffseed</b>	NPRM 09/11/91 (56 FR 46277)
	Final Action 09/29/92 (57 FR 44703)
<b>Arizona willow</b>	NPRM 00/00/00
	Final Action 00/00/00
<b>Comal Springs dryopold beetle</b>	NPRM 00/00/00
	Final Action 00/00/00
<b>Comal Springs riffle beetle</b>	NPRM 11/19/91 (56 FR 58339)
	Final Action 11/00/92
<b>Coosa moccasinshell mussel</b>	NPRM 11/19/91 (56 FR 58339)
	Final Action 11/00/92

#### Dama gazelle

NPRM 11/05/91 (56 FR 56491)  
NPRM, reopen comment period 06/08/92 (57 FR 24220)  
Final Action 00/00/00

#### Dark pigtoe mussel

NPRM 11/19/91 (56 FR 58339)  
Final Action 11/00/92

#### Delta smelt

NPRM 10/03/91 (56 FR 50075)  
Final Action 10/00/92

#### Fine-lined pocketbook mussel

NPRM 11/19/91 (56 FR 58339)  
Final Action 11/00/92

#### Godfrey's butterwort

NPRM 05/20/92 (57 FR 21377)  
Final Action 05/00/93

#### Holy ghost Ipomopsis

NPRM 09/22/92 (57 FR 43683)  
Final Action 00/00/00

#### Hungerford's crawling water beetle

NPRM 00/00/00  
Final Action 00/00/00

#### Lee County cave isopod

NPRM 11/15/91 (56 FR 58026)  
Final Action 11/00/92

#### Louisiana quillwort

NPRM 10/21/91 (56 FR 52500)  
Final Action 10/00/92

#### Mitchell's satyr butterfly

Final Action (Emergency rule) 06/25/91 (56 FR 28825)  
NPRM 09/11/91 (56 FR 46273)  
Final Action 05/20/92 (57 FR 21564)

#### Morefield's leather flower

NPRM 10/21/91 (56 FR 52503)  
Final Action 05/20/92 (57 FR 21562)

#### Ohio emerald dragonfly

NPRM 00/00/00  
Final Action 00/00/00

#### Orange-nacre mucket mussel

NPRM 11/19/91 (56 FR 58339)  
Final Action 11/00/92

#### Oryx antelope

NPRM 11/05/91 (56 FR 56491)  
NPRM 06/08/92 (57 FR 24220)  
Final Action 00/00/00

#### Ovate clubshell mussel

NPRM 11/19/91 (56 FR 58339)  
Final Action 00/00/00

#### Peck's cave amphipod

NPRM 00/00/00  
Final Action 00/00/00

#### Pecos pupfish

NPRM 00/00/00  
Final Action 00/00/00

#### Sensitive joint-vetch

NPRM 07/26/91 (56 FR 34162)  
Final Action 05/20/92 (57 FR 21377)

#### Siler pincusion cactus (downlisting)

NPRM 00/00/00  
Final Action 00/00/00

#### Southern acornshell mussel

NPRM 11/19/91 (56 FR 58339)  
Final Action 11/00/92

#### Southern clubshell mussel

NPRM 11/19/91 (56 FR 58339)  
Final Action 11/00/92

#### Southern pigtoe mussel

NPRM 11/19/91 (56 FR 58339)  
Final Action 11/00/92



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## Tarahumara frog

NPRM 00/00/00  
Final Action 00/00/00

## Triangular kidneyshell mussel

NPRM 11/19/91 (56 FR 58339)  
Final Action 11/00/92

## Upland combshell mussel

NPRM 11/19/91 (56 FR 58339)  
Final Action 11/00/92

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Larry Shannon, Chief,  
Division of Endangered Species,  
Department of the Interior, United  
States Fish and Wildlife Service, MS -  
452 Arlington Square, 1849 C Street  
NW., Washington, DC 20240, 703 358-  
2171

RIN: 1018-AB66

1582. ENDANGERED AND  
THREATENED WILDLIFE AND  
PLANTS: 50 HAWAIIAN PLANTS —16  
FROM MOLOKAI, 23 FROM KAUI, AND  
11 FROM KOOLAU

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, 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 1 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:

## (Kauai) Brighamia insignis

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Cyanea asarifolia

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Cyrtandra ilmahullensis

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/30/92

## (Kauai) Dellssea rhytidospema

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Diellia laciniata

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Exocarpos luteolus

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Hedyotis cookiana

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Hibiscus clayi

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Lipochaeta fauriei

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Lipochaeta micrantha

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Lipochaeta walmeaensis

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Lysimachia filifolia

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Melicope haupuensis

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Melicope knudsenii

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Melicope pallida

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Melicope quadrangularis

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Munroidendron racemosum

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Nothocestrum peitatum

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Peucedanum sandwicense

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/30/92

## (Kauai) Phyllostegia walmeae

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Pteralyxia kauaiensis

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Schleidea spergulina

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Kauai) Solanum sandwicense

NPRM 10/30/91 (56 FR 55862)  
Final Action 10/00/92

## (Koolau) Chamaesyca deppeana

NPRM 00/00/00  
Final Action 00/00/00

## (Koolau) Cyanea truncata

NPRM 00/00/00  
Final Action 00/00/00

## (Koolau) Cyrtandra crenata

NPRM 00/00/00  
Final Action 00/00/00

## (Koolau) Cyrtandra polyantha

NPRM 00/00/00  
Final Action 00/00/00

## (Koolau) Eugenia koolauensis

NPRM 00/00/00  
Final Action 00/00/00

## (Koolau) Hesperemannia arborescens

NPRM 00/00/00  
Final Action 00/00/00

## (Koolau) Lobelia oahuensis

NPRM 00/00/00  
Final Action 00/00/00

## (Koolau) Lycopodium nutans

NPRM 00/00/00  
Final Action 00/00/00

## (Koolau) Melicope lydgatel

NPRM 00/00/00  
Final Action 00/00/00

## (Koolau) Rollandia crispa

NPRM 00/00/00  
Final Action 00/00/00

## (Koolau) Tetraplasandra gymnocarpa

NPRM 00/00/00  
Final Action 00/00/00

## (Molokai) Bidens wlebkei

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Brighamia rockii

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Canavalia molokalensis

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

(Molokai) Claramontia oblongifolia ssp.  
brevipes

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Cyanea mannii

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Cyanea procera

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Hedyotis mannii

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

(Molokai) Hibiscus arnotianus ssp.  
immaculatus

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Melicope reflexa

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Phyllostegia mannii

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Pritchardia munroi

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Schleidea lydgatel

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Silene alexandri

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Silene lanceolata

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Stenogyne bifida

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

## (Molokai) Tetramolopium rockii

NPRM 09/20/91 (56 FR 47718)  
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State



DOI—FWS

Final Rule Stage

**Agency Contact:** Larry Shannon, Chief,  
Division of Endangered Species,  
Department of the Interior, United  
States Fish and Wildlife Service, MS -  
452 Arlington Square, Washington, DC  
20240, 703 358-2171

**RIN:** 1018-AB69

### 1583. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** NPRM, Statutory. Final,  
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 1 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:

##### Applegate's milk-vetch

NPRM 11/26/91 (56 FR 59917)  
Final Action 11/00/92

##### Atlantic Coast piping plover

NPRM 00/00/00  
Final Action 00/00/00

##### Ben Lomond spineflower

NPRM 10/24/91 (56 FR 55107)  
Final Action 00/00/00

##### California orcutt grass

NPRM 11/12/91 (56 FR 57503)  
Final Action 11/00/92

##### Chorro Creek bog

NPRM 12/23/91 (56 FR 66400)  
Final Action 12/00/92

##### Cushenberry buckwheat

NPRM 11/19/91 (56 FR 58332)  
NPRM, reopen comment period 05/26/92  
(57 FR 21933)

Final Action 00/00/00

##### Cushenberry milkvetch

NPRM 11/19/91 (56 FR 58332)  
NPRM, reopen comment period 05/26/92  
(57 FR 21933)

##### Cushenberry oxytheca

NPRM 11/19/91 (56 FR 58332)  
NPRM, reopen comment period 05/26/92  
(57 FR 21933)

Final Action 00/00/00

##### Giant garter snake

NPRM 12/27/91 (56 FR 67046)  
NPRM, reopen comment period 05/26/92  
(57 FR 21933)  
Final Action 00/00/00

##### Indian Knob mountainbalm

NPRM 12/23/91 (56 FR 66400)  
Final Action 12/00/92

##### Monterey spineflower

NPRM 10/24/91 (56 FR 55107)  
NPRM, reopen comment period 05/26/92  
(57 FR 21933)  
Final Action 00/00/00

##### Morro manzanita

NPRM 12/23/91 (56 FR 66400)  
Final Action 12/00/92

##### Morro shoulderband snail

NPRM 12/23/91 (56 FR 66400)  
Final Action 12/00/92

##### Otay Mesa mint

NPRM 11/12/91 (56 FR 57503)  
Final Action 11/00/92

##### Parish's daisy

NPRM 11/19/91 (56 FR 58332)  
NPRM, reopen comment period 05/26/92  
(57 FR 21933)  
Final Action 00/00/00

##### Peninsular bighorn sheep

NPRM 05/08/92 (57 FR 19837)  
Final Action 05/00/93

##### Pismo clarkia

NPRM 12/23/91 (56 FR 66400)  
Final Action 12/00/92

##### Riverside fairy shrimp

NPRM 11/12/91 (56 FR 57503)  
Final Action 11/00/92

##### Robust spineflower

NPRM 10/24/91 (56 FR 55107)  
NPRM, reopen comment period 05/26/92  
(57 FR 21933)  
Final Action 00/00/00

##### San Bernadino Mountains bladderpod

NPRM 11/19/91 (56 FR 58332)  
NPRM, reopen comment period 05/26/92  
(57 FR 21933)  
Final Action 00/00/00

##### San Diego button-celery

NPRM 11/12/91 (56 FR 57503)  
Final Action 11/00/92

##### Santa Cruz wallflower

NPRM 10/24/91 (56 FR 55107)  
NPRM, reopen comment period 05/26/92  
(57 FR 21933)  
Final Action 00/00/00

##### Scott's Valley spineflower

NPRM 10/24/91 (56 FR 55107)  
NPRM, reopen comment period 05/26/92  
(57 FR 21933)  
Final Action 00/00/00

##### Western snowy plover

NPRM 01/14/92 (57 FR 1443)  
NPRM Reopen Comment Period  
08/03/92 (57 FR 34100)  
Final Action 00/00/00

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Larry Shannon, Chief,  
Division of Endangered Species,  
Department of the Interior, United  
States Fish and Wildlife Service, MS-

452, Arlington Square, 1849 C Street  
NW., Washington, DC 20240, 703 358-  
2171

**RIN:** 1018-AB73

### 1584. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** Final, 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 1 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:

##### Apalachicola rosemary

NPRM 05/20/92 (57 FR 21369)  
Final Action 05/00/93

##### California linderella

NPRM 05/08/92 (57 FR 19856)  
NPRM Reopen Comment Period  
08/13/92 (57 FR 36380)  
Final Action 00/00/00

##### Carolina heelsplitter

NPRM 05/26/92 (57 FR 21925)  
Final Action 05/00/93

##### Ciubshell mussel

NPRM 06/18/92 (57 FR 27203)  
Final Action 06/00/93

##### Coachella Valley milk-vetch

NPRM 05/08/92 (57 FR 19844)  
Final Action 05/00/93

##### Conservancy fairy shrimp

NPRM 05/08/92 (57 FR 19856)  
NPRM Reopen Comment Period  
08/13/92 (57 FR 36380)  
Final Action 00/00/00

##### Copperbelly water snake

NPRM 05/20/92 (56 FR 21369)  
Final Action 05/00/93 (57 FR 21369)

##### Etonia rosemary

NPRM 05/20/92 (57 FR 21369)  
Final Action 05/00/93

##### Fish Slough milk-vetch

NPRM 05/08/92 (57 FR 19844)  
Final Action 05/00/93



DOI-FWS

Final Rule Stage

**Warner blue butterfly**  
 NPRM 01/21/92 (57 FR 2241)  
 Final Action 01/00/93

**One Mountain milk-vetch**  
 NPRM 05/08/92 (57 FR 19844)  
 Final Action 05/00/93

**Leptocereus grantianus (no common name (NCN))**  
 NPRM 05/20/92 (57 FR 21374)  
 Final Action 05/00/93

**Longhorn fairy shrimp**  
 NPRM 05/08/92 (57 FR 19856)  
 NPRM Reopen Comment Period 08/13/92 (57 FR 36380)  
 Final Action 00/00/00

**Northern riffleshell mussel**  
 NPRM 06/18/92 (57 FR 27203)  
 Final Action 06/00/93

**Okeechobee gourd**  
 NPRM 05/20/92 (57 FR 21381)  
 Final Action 05/00/93

**Pelerson's milk-vetch**  
 NPRM 05/08/92 (57 FR 19844)  
 Final Action 05/00/93

**Pima pineapple cactus**  
 NPRM 04/20/92 (57 FR 14374)  
 Final Action 04/00/93

**Seabeach amaranth**  
 NPRM 05/26/92 (57 FR 21921)  
 Final Action 05/00/93

**Shining milk-vetch**  
 NPRM 05/08/92 (57 FR 19844)  
 Final Action 05/00/93

**Short-leaved rosemary**  
 NPRM 05/20/92 (57 FR 21369)  
 Final Action 05/00/93

**Madaville milk-vetch**  
 NPRM 05/08/92 (57 FR 19844)  
 Final Action 05/00/93

**Spectacled elder**  
 NPRM 05/08/92 (57 FR 19852)  
 Final Action 05/00/93

**Teller's elder**  
 NPRM 05/08/92 (57 FR 19852)  
 Final Action 05/00/93

**Triple-ribbed milk-vetch**  
 NPRM 05/08/92 (57 FR 19844)  
 Final Action 05/00/93

**Terminal pool fairy shrimp**  
 NPRM 05/08/92 (57 FR 19856)  
 Final Action 05/00/93

**Terminal pool tadpole shrimp**  
 NPRM 05/08/92 (57 FR 19856)  
 Final Action 05/00/93

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

**RIN:** 1018-AB75

**1585. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; REMOVAL OF SPECIAL RULE ALLOWING A LIMITED SPECIAL HUNT OF GRIZZLY BEAR**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** The Service proposes to remove 50 CFR 17.40 (b)(1)(i)(E), the special rule which allows take of grizzly bears through a special hunt in northwestern Montana. The Service further intends to review the Grizzly Bear Special Rule to address actions needed due to population pressure within a grizzly bear population. The proposed removal of the authorization for the special hunt in Montana is to allow time to review the regulation based on current biological information. The removal of the special rule will, in no way, change the remainder of the Grizzly Bear rule in 50 CFR 17.40(b).

**Timetable:**

Action	Date	FR Cite
NPRM	04/20/92	57 FR 14378
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-

452, Arlington Square, Washington, DC 20240, 703 358-2171

**RIN:** 1018-AB78

**1586. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS: THREATENED STATUS FOR SNAKE RIVER SPRING/SUMMER CHINOOK SALMON, THREATENED STATUS FOR SNAKE RIVER FALL CHINOOK SALMON**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** The Service is adding the Snake River spring/summer chinook salmon and the Snake River fall chinook salmon to the list of Endangered and Threatened Wildlife. Under the Endangered Species Act, and in accordance with the Reorganization Plan No. 4 of 1970, the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce, is responsible for chinook salmon. The Fish and Wildlife Service is responsible for the actual addition of a species to the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h).

**Timetable:**

Action	Date	FR Cite
Next Action	Undetermined	

**Next Action:** Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

**RIN:** 1018-AB82

**DEPARTMENT OF THE INTERIOR (DOI)  
 United States Fish and Wildlife Service (FWS)**

**Completed Actions**

**1587. ENDANGERED AND THREATENED WILDLIFE AND PLANTS**

**Legal Authority:** 16 USC 1531 to 1544

**CFR Citation:** 50 CFR 17

**Legal Deadline:** Final, 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



DOI—FWS

Completed Actions

are based solely on the biological information available to the Department.

**Timetable:**

Action	Date	FR Cite
Final Action	10/05/92	57 FR 45762
<b>Bruneau hot spring snail</b>		
	NPRM 08/21/85 (50 FR 33803)	
	Final Action 10/05/92 (57 FR 45762)	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, Washington, DC 20240, 703 358-2171

**RIN:** 1018-AA98

**1588. HUMANE TRANSPORT OF WILD MAMMALS AND BIRDS AMENDMENTS**

**Legal Authority:** PL 97-79 95 Stat. 073

**CFR Citation:** 50 CFR 14

**Legal Deadline:** None

**Abstract:** Section 9(d) of the Lacey Act Amendments of 1981 shifted the authority for prescribing requirements for the humane and healthful transport of wild mammals and birds from the Secretary of the Treasury to the Secretary of the Interior. A final rule promulgating this authority in 50 CFR 14, was published on November 10, 1987 (52 FR 43274). The Service proposes to amend the regulations for the purpose of incorporating improvements and clarifications.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/10/88	53 FR 30077
ANPRM	09/09/88	53 FR 30077
Comment Period End		
NPRM	10/15/90	55 FR 41708
NPRM Comment	12/14/90	55 FR 41708
Period End		
Final Action	06/17/92	57 FR 27094
Final Action	09/15/92	57 FR 27094
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS -

432 Arlington Square, Washington, DC 20240, 703 358-2093

**RIN:** 1018-AB22

**1589. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: REVISION OF SPECIAL REGULATIONS FOR THE GRIZZLY BEAR**

**Legal Authority:** 16 USC 1531 to 1544

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** The Service proposes to revise the special regulations for the threatened grizzly bear to allow supervised hunting of dangerous or incorrigible nuisance bears in a defined area encompassing the Idaho, Montana, and Wyoming portions of the Yellowstone ecosystem outside Yellowstone and Grand Teton National Parks.

**Timetable:**

Action	Date	FR Cite
NPRM	10/17/89	54 FR 42524
NPRM Comment	12/18/89	54 FR 42524
Period End		
Withdrawn	06/29/92	57 FR 28825

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, Washington, DC 20240, 703 358-2171

**RIN:** 1018-AB29

**1590. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: DEFINITION OF VERTEBRATE POPULATIONS**

**Legal Authority:** 16 USC 1531 to 1543

**CFR Citation:** 50 CFR 424

**Legal Deadline:** None

**Abstract:** The Endangered Species Act of 1973 allows the Secretary of Interior or Commerce to determine "any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature" to be endangered or threatened. The agencies intend to provide guidelines as to what could be considered for listing, reclassification, or delisting under this Act with respect to vertebrate

populations. Delineation of vertebrate populations will allow for protective measures under the Act to be applied or removed as needed for the conservation of the population.

**Timetable:**

Action	Date	FR Cite
Withdrawn by agency	07/17/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-452, Arlington Square, 1849 C Street NW., Washington, DC 20240, 705 358-2171

**RIN:** 1018-AB47

**1591. CONFERRING DESIGNATED PORT STATUS ON BALTIMORE, MD**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1538(f)

**CFR Citation:** 50 CFR 14.12

**Legal Deadline:** None

**Abstract:** The Service proposes to confer designated port status on Baltimore, Maryland pursuant to section 9(f) of the Endangered Species Act of 1973. Designated port status would allow the direct importation and exportation of fish and wildlife, including parts and products, through Baltimore, MD., a growing international port.

**Timetable:**

Action	Date	FR Cite
NPRM	11/12/91	56 FR 57502
NPRM Comment	12/12/91	56 FR 57502
Period End		
Final Action	05/20/92	57 FR 21354
Final Action	05/20/92	57 FR 21354
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** John Doggett, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS-520, Arlington Square, Washington, DC 20240, 703 358-1949

**RIN:** 1018-AB55



DOI-FWS

Completed Actions

**1592. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: EMERGENCY RULE TO LIST THE KANAB AMBERSNAIL**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** Final, 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 1 year after such proposal.

**Abstract:** The Service will exercise its emergency authority to determine the Kanab ambersnail to be an endangered species. Only two populations of this snail are known to exist, both on wetlands on private lands in Kane County, Utah. A status survey completed in 1991 discovered that one population is nearly extirpated, the other has been subjected to major habitat alteration and destruction. Both populations are exceptionally vulnerable to extinction from natural or human-caused events. Immediate listing would trigger the protections in sections 7 and 9 of the Endangered Species Act. The Service finds that good cause exists to make the emergency rule effective upon publication. The emergency rule will implement Federal protection for 240 days. A proposed rule to list the Kanab ambersnail as

endangered will follow the emergency rulemaking, and will allow for public comment.

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/91	56 FR 58020
NPRM Comment Period End	01/14/92	56 FR 58020
Final Action	04/17/92	57 FR 13657
Final Action Effective	04/17/92	57 FR 13657

**Kanab ambersnail**  
Final Action, Emergency Listing 08/08/91 (56 FR 37668)

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-452 Arlington Square, Washington, DC 20240, 703 358-2171

**RIN:** 1018-AB67

**1593. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LISTING THE SNAKE RIVER SOCKEYE SALMON AS ENDANGERED**

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1531 to 1544

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** The Fish and Wildlife Service is adding the Snake River sockeye salmon to the list of Endangered and Threatened Wildlife. This measure, required by the Endangered Species Act of 1973, corresponds with a determination of endangered status by the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration. NMFS is responsible for the sockeye salmon and must decide whether a species under its jurisdiction should be classified as endangered or threatened. The Fish and Wildlife Service is responsible for the actual addition of a species to the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h).

**Timetable:**

Action	Date	FR Cite
Final Action Effective	12/20/91	57 FR 212
Final Action	01/03/92	57 FR 212

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** Larry Shannon, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-452, Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

**RIN:** 1018-AB76

**BILLING CODE** 4310-55-F

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

National Park Service (NPS)

**1594. 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
NPRM Comment Period End	09/04/86	51 FR 28110
Reproposal	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** William Sturgeon, Staff Park Ranger, Department of the Interior, National Park Service, 75 Spring Street SW., Atlanta, GA 30303, 404 331-3527

**RIN:** 1024-AA96

**1595. EVERGLADES NP: MINING**

**Legal Authority:** 16 USC 3

**CFR Citation:** 36 CFR 7.45(a)

**Legal Deadline:** None

**Abstract:** This revision applies to Everglades National Park in Florida. Section 7.45(a) will be revised to eliminate obsolete regulations, remove expired material from the Code of Federal Regulations pertaining to commercial fishing, provide for consistency with State fishing rules, and ensure continued protection of park resources.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28108
NPRM Comment Period End	09/04/86	51 FR 28108
Reproposal	11/00/92	

**Small Entities Affected:** None



## DOI—NPS

## Proposed Rule Stage

**Government Levels Affected:** None

**Agency Contact:** William Sturgeon, Staff Park Ranger, Department of the Interior, National Park Service, 75 Spring Street SW., Atlanta, GA 30303, 404 331-3527

**RIN:** 1024-AB10

### 1596. MINERALS MANAGEMENT—NONFEDERAL OIL AND GAS

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1 et seq; 16 USC 410g; 16 USC 4101; 16 USC 459d-3; 16 USC 459h-3; 16 USC 698c; 16 USC 698i; 16 USC 460-2(i); 16 USC 450kk; 16 USC 230a; PL 100-301, Sec 8; 31 USC 9701

**CFR Citation:** 36 CFR 9

**Legal Deadline:** Final, Statutory, January 29, 1989.

Section 8 of the Big Cypress National Preserve Addition Act directs the Secretary of the Interior to promulgate regulations governing nonfederal oil and gas development by 1/29/89.

**Abstract:** Several sections of 36 CFR part 9, subpart B contain ambiguous language which has caused confusion in interpreting the existing regulations. The NPS wants to make technical revisions to clarify requirements for both applicants and the Service. Also, the existing regulations exempt two classes of operators from compliance. Because of these exemptions, the regulations apply to only 30% of the existing operations resulting in avoidable impacts to park resources and visitor values from unregulated operations. Finally, the Service intends to propose revisions to the existing regulations to incorporate congressionally mandated requirements and timetables governing nonfederal oil and gas development in the Big Cypress National Preserve Addition. Examples of such revisions include: making the regulations applicable to all oil and gas operations within all units of the National Park System; updating terms for consistency with existing policies, practices, and laws; and removing the monetary ceiling and floor on bonds and security deposits so that bonds may be calculated and posted commensurate with reclamation costs.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Einar Olsen, Environmental Protection Specialist, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L St. NW., Washington, DC 20013-7127, 202 343-4968

**RIN:** 1024-AB39

### 1597. APOSTLE ISLANDS NATIONAL LAKESHORE: SNOWMOBILING

**Legal Authority:** 16 USC 3

**CFR Citation:** 36 CFR 7.82

**Legal Deadline:** None

**Abstract:** This proposed rule designates routes and frozen water surfaces for use by snowmobiles at Apostle Islands National Lakeshore. The general regulations at 36 CFR 2.18 prohibit such use unless routes and water surfaces are specifically identified and promulgated as special regulations. The intended effect of this regulation is to remove that prohibition and allow the use of snowmobiles to conduct legislatively authorized fishing activities.

#### Timetable:

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Krambrink, Chief Ranger, Department of the Interior, National Park Service, RT 1, Box 4, Bayfield, WI 54814, 715 779-3397

**RIN:** 1024-AB80

### 1598. YELLOWSTONE NATIONAL PARK: COMMERCIAL TRAFFIC ON U.S. HIGHWAY 191 WITHIN YELLOWSTONE NATIONAL PARK

**Significance:** Agency Priority

**Legal Authority:** 16 USC 3

**CFR Citation:** 36 CFR 7.13

**Legal Deadline:** None

**Abstract:** The proposed regulation will exempt the section of U.S. 191 within Yellowstone National Park from the

prohibition on the use of National Park Service roads by commercial vehicles when such use has in no way a connection with operation of the park; delete the special regulations establishing the speed limit on U.S. 191 within Yellowstone National Park; and restrict the amount and type of hazardous materials which may be transported on U.S. 191 within Yellowstone National Park. The special regulation establishing the present fee schedule for commercial traffic within Yellowstone will be eliminated and the Superintendent provided the discretion to establish and adjust fees for such use on an annual basis.

These actions will clearly define the management and regulation of commercial traffic on U.S. 191 through Yellowstone and assure a certain measure of protection against hazardous waste spills.

#### Timetable:

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Robert D. Barbee, Superintendent, Department of the Interior, National Park Service, Yellowstone National Park, P.O. Box 168, Yellowstone National Park, WY 82190, 307 344-7381

**RIN:** 1024-AB82

### 1599. NATIONAL CAPITAL REGION PARKS: SPECIAL EVENT RULES

**Legal Authority:** 16 USC 1; 16 USC 3; 16 USC 9a; 16 USC 460(q); 16 USC 462(k); DC Code 8-137; DC Code 40-721

**CFR Citation:** 36 CFR 7.96

**Legal Deadline:** None

**Abstract:** The National Park Service proposed rule and policy statement with request for comments relates to special events in the National Capital Region. A variety of special events, such as festivals and private rented events have occurred on park land for some time. These events have increased in number and size and have caused a strain on limited park resources and on the National Capital Region budget. The proposed rule would limit the number and size of festivals and private rented events, limit sales at such events, and require sponsors of the events to bear



DOI—NPS

Proposed Rule Stage

any unbudgeted costs of the National Park Service.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert Stanton, Regional Director, National Capital Region, Department of the Interior, National Park Service, 1100 Ohio Drive SW., Washington, DC 20242, 202 619-7005

**RIN:** 1024-AB92

**1600. NATIONAL PARK SERVICE SYMBOLS: UNITED STATES PARK POLICE INSIGNIA**

**Legal Authority:** 16 USC 3

**CFR Citation:** 36 CFR 11

**Legal Deadline:** None

**Abstract:** The National Park Service proposed rule and request for comments relates to the United States Park Police insignia. It will recognize an official United States Park Police insignia, provide for its future protection and prevent the unauthorized use of the insignia.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Robert Stanton, Regional Director, National Capital Region, Department of the Interior, National Park Service, 1100 Ohio Drive SW., Washington, DC 20242, 202 619-7005

**RIN:** 1024-AB94

**1601. SOLID WASTE DISPOSAL SITES IN UNITS OF THE NATIONAL PARK SYSTEM**

**Legal Authority:** 16 USC 3

**CFR Citation:** 36 CFR 16

**Legal Deadline:** None

**Abstract:** The National Park Service proposes to severely restrict the creation of any new solid waste

management sites within the boundaries of any National Park unit. Sites in existence as of September 1, 1984, will be regulated to minimize the impacts upon the environment and the visitor experience.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/00/92

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John Donohue, Program Specialist, Environmental Compliance Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4274

**RIN:** 1024-AB95

**1602. RIGHTS-OF-WAY**

**Legal Authority:** 16 USC 3; 16 USC 5; 16 USC 79

**CFR Citation:** 36 CFR 14

**Legal Deadline:** None

**Abstract:** The regulations for rights-of-way found at 36 CFR part 14, subparts A to H were promulgated as interim regulations in 1980. The regulations no longer meet the needs of the Service or of rights-of-way applicants. Final regulations need to be developed through a revision of part 14.

**Timetable:**

Action	Date	FR Cite
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Begin Review 06/25/91

End Review 01/15/92

NPRM 01/00/93

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, 1849 C Street NW., Washington, DC 20240, 202 208-4874

**RIN:** 1024-AC01

**1603. BLUE RIDGE PARKWAY: FISHING**

**Legal Authority:** 16 USC 1; 16 USC 3

**CFR Citation:** 36 CFR 7.34

**Legal Deadline:** None

**Abstract:** The proposed rulemaking would revise the Park's fishing regulations by eliminating most of 36 CFR 7.34(b) in favor of adopting applicable State fishing regulations regarding seasons and creel limits. Special closures and other restrictions for specific park waters will be accomplished through annual Superintendent's orders established pursuant to 36 CFR 1.5.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Bambi Teague, Department of the Interior, National Park Service, 200 BB&T Building, Asheville, NC 28801, 704 259-0760

**RIN:** 1024-AC02

**1604. GLACIER BAY: VESSEL MANAGEMENT PLAN/REGULATIONS**

**Legal Authority:** 16 USC 3; 16 USC 3101; 16 USC 1361; 16 USC 1531

**CFR Citation:** 36 CFR 13.65

**Legal Deadline:** None

**Abstract:** Glacier Bay National Park is initiating a vessel management plan that will, during its formulation, review the existing vessel regulations for revisions.

**Timetable:**

Action	Date	FR Cite
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NPRM 11/00/92

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Marvin Jensen, Superintendent, Department of the Interior, National Park Service, Glacier Bay National Park, Gustavus, AK 99826, 907 697-2230

**RIN:** 1024-AC05

**1605. PENALTY PROVISIONS**

**Legal Authority:** 16 USC 1; 16 USC 3; 18 USC 3571

**CFR Citation:** 36 CFR 1.3

**Legal Deadline:** None

**Abstract:** Existing fine penalties at 36 CFR 1.3 were outdated by the Criminal



## DOI—NPS

## Proposed Rule Stage

Fine Improvement Act of 1987 (Pub. L. 100-185). These proposed regulations will establish penalty provisions in accordance with the Act.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, 1849 C Street NW., Washington, DC 20240, 202 208-4874

**RIN:** 1024-AC06

#### 1606. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT IMPLEMENTATION

**Legal Authority:** 25 USC 3001 to 3013

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** Regulations will provide Federal agencies, museums that receive

Federal funds, and Indian tribes and Native Hawaiian organizations with directions on procedures and actions needed to comply with the Native American Graves Protection and Repatriation Act.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Francis P. McManamon, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4101

**RIN:** 1024-AC07

#### 1607. CURATION OF FEDERALLY OWNED AND ADMINISTERED ARCHAEOLOGICAL COLLECTIONS

**Legal Authority:** 16 USC 470aa to 470mm

**CFR Citation:** 36 CFR 79.5; 36 CFR 79.12

**Legal Deadline:** None

**Abstract:** These proposed amendments to the existing regulation specify the necessary distribution of reports, records, and other documents related to archeological collections and the procedures for discarding certain kinds of materials.

**Timetable:**

Action	Date	FR Cite
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**Next Action:** Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Veletta Canouts, Archeologist, Department of the Interior, National Park Service, Archeological Assistance Division, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4101

**RIN:** 1024-AC08

## DEPARTMENT OF THE INTERIOR (DOI)

## Final Rule Stage

## National Park Service (NPS)

#### 1608. PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

**Legal Authority:** PL 100-555; PL 100-588

**CFR Citation:** 43 CFR 7; 36 CFR 296; 18 CFR 1312; 32 CFR 229

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the description of prohibited acts in the final uniform regulations to include attempts to excavate, remove, damage, or otherwise alter or deface archeological resources, based on amendments to the Archeological Resources Protection Act made in 1988.

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/90	55 FR 2848
NPRM Comment Period End	02/28/90	55 FR 2848
Additional Proposed Amendments	09/11/91	56 FR 46259
Final Action	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Richard Waldbauer, Archeologist, Department of the Interior, National Park Service, Archeological Assistance Division, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4113

**RIN:** 1024-AA51

#### 1609. MANAGEMENT OF MINERAL DEVELOPMENT ASSOCIATED WITH MINING CLAIMS

**Significance:** Agency Priority

**Legal Authority:** 16 USC 1901 et seq, Mining in the Parks Act of 1976; 16 USC 1 et seq, NPS Organic Act; 30 USC 21 et seq, Mining Law of 1872

**CFR Citation:** 36 CFR 9

**Legal Deadline:** None

**Abstract:** The existing regulations at 36 CFR part 9, subpart A, promulgated in January of 1977, contain a provision regarding the use of water in connection with mining claims within

National Park System units that creates a "catch 22" for miners seeking to use water in connection with their claims. In order to use water in a park, a miner must have a perfected water right. However, to obtain a perfected water right, a miner must use water. Herein lies the "catch 22." The National Park Service would like to rectify this dilemma through a rule change that would eliminate the perfected water right language while at the same time preserve the Service's ability to protect water quality and quantity.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19411
NPRM Comment Period End	07/05/89	54 FR 19411
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Carol McCoy, Chief, Policy and Regulations Section, Department of the Interior, National



DOI—NPS

Final Rule Stage

Park Service, P.O. Box 37127,  
Washington, DC 20013, 202 343-4962

RIN: 1024-AB74

**1610. NATIONAL NATURAL LANDMARKS PROGRAM**

Significance: Agency Priority

Legal Authority: 16 USC 461 et seq

CFR Citation: 36 CFR 62

Legal Deadline: None

**Abstract:** This proposed rulemaking will amend the current regulations for the National Natural Landmarks Program. Proposed changes include strengthening and clarifying provisions for landowner notification, adding requirements for voluntary landowner consent for natural landmark designation, and providing for review of natural landmark nominations by the National Park System Advisory Board.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/29/90	55 FR 43384
NPRM	11/21/91	56 FR 58790
NPRM Comment Period End	02/19/92	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

**Agency Contact:** Michael A. Ruggiero, Chief, Wildlife and Vegetation Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-8100

RIN: 1024-AB96

**1611. GLACIER BAY NATIONAL PARK, ALASKA FISHING REGULATIONS**

Significance: Agency Priority

Legal Authority: 16 USC 1; 16 USC 3; 16 USC 3101 et seq

CFR Citation: 36 CFR 13.65

Legal Deadline: None

**Abstract:** The proposed regulations will allow commercial fishing in Glacier Bay National Park as an exemption from currently existing servicewide regulations until December 31, 1997. Non-commercial consumptive fishing methods are designated, and subsistence uses are prohibited pursuant to statutory requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/91	56 FR 37262
NPRM Comment Period End	11/03/91	56 FR 46589
Final Action	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Tony Sisto, Staff Park Ranger, Department of the Interior, National Park Service, Ranger Activities, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4874

RIN: 1024-AB99

**1612. ALASKA: SUBSISTENCE USES**

Legal Authority: 16 USC 3; 16 USC 3101

CFR Citation: 36 CFR 13

Legal Deadline: None

**Abstract:** The proposed rulemaking will amend 36 CFR part 13, subpart B - "Subsistence," to establish an alternative process for deletion of a resident zone community or area based upon an approved recommendation of a Subsistence Resource Commission (SRC) established pursuant to 16 USC 3118.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/93	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, 1849 C Street NW., Washington, DC 20240, 202 208-4874

RIN: 1024-AC03

**1613. GOLDEN GATE NATIONAL RECREATION AREA: OFF ROAD BICYCLE USE AREAS**

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.97

Legal Deadline: None

**Abstract:** This rulemaking will designate certain off-road routes within Golden Gate National Recreation Area as open to bicycle use, and to regulate their safe use in these areas. Areas to be designated are based on a "Trail Use Designation Plan" prepared by the Park with public input, and include sections of former ranch or military roads, or maintained fire roads.

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/92	57 FR 3392
NPRM Comment Period End	03/30/92	
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Gil Soper, Chief Ranger, Department of the Interior, National Park Service, Golden Gate National Recreation Area, Building 201 Fort Mason, San Francisco, CA 94123, 415 556-4283

RIN: 1024-AC04

**DEPARTMENT OF THE INTERIOR (DOI)  
National Park Service (NPS)**

Completed Actions

**1614. ALASKA REGION: SAME-DAY-AIRBORNE HUNTING REGULATIONS**

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.21

Legal Deadline: None

**Abstract:** The National Park Service is proposing rules that will prohibit the hunting of certain wildlife species in the National Preserve areas in Alaska on the same day in which a hunter is airborne. Hunting will continue to be allowed pursuant to State and Federal regulations. Access to those areas by

aircraft for sport hunting and other purposes is also allowed. While the State of Alaska has a similar regulation in place, commonly referred to as the "same-day-airborne" regulation, recent changes to their regulation have allowed exceptions for some species in certain State of Alaska game



## DOI-NPS

## Completed Actions

management units including the National Preserve areas. This exception will allow "land-and-shoot" hunting of wolves in the National Preserves. The proposed National Park Service regulation will prohibit "land-and-shoot" hunting for big game including the following species: All species of Bears, Bison, Caribou, Elk, Mountain Goat, Moose, Musk Oxen, Dall Sheep, Wolf, Wolverine, Coyote, Arctic and Red Fox, and Lynx.

## Timetable:

Action	Date	FR Cite
NPRM	06/09/89	54 FR 24852
NPRM Comment	08/08/89	54 FR 24852
Period End		
Withdrawn -	10/01/92	
Currently		
superseded by		
State law.		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Steve Shackelton, Law Enforcement Specialist, Department of the Interior, National Park Service, 2525 Gambell St., Rm. 107, Anchorage, AK 99503-2892, 907 257-2548

**RIN:** 1024-AB61

### 1615. CONCESSION CONTRACTS AND PERMITS

**Significance:** Agency Priority

**Legal Authority:** 16 USC 3; 16 USC 20 et seq

**CFR Citation:** 36 CFR 51

**Legal Deadline:** None

**Abstract:** The National Park Service proposes to amend the regulations which describe NPS procedures for award of concession contracts and permits to clarify certain of the intentions of the regulations and to make somewhat more competitive, within the scope of existing law, the renewal of concession contracts and permits.

## Timetable:

Action	Date	FR Cite
NPRM	08/23/91	56 FR 41894
NPRM Comment	11/22/91	56 FR 54554
Period End		
Final Action	09/03/92	57 FR 40496
Final Action	10/05/92	
Effective		

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Wendelin M. Mann, Chief, Contracts Branch, Concessions Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1561

**RIN:** 1024-AB98

### 1616. ● ADVERTISING AT ROCK CREEK PARK TENNIS CENTER

**Significance:** Agency Priority

**Legal Authority:** 16 USC 3

**CFR Citation:** 36 CFR 7.96

**Legal Deadline:** None

**Abstract:** Existing regulations at 36 CFR 5.1 prohibit advertising of products, goods or services in park areas. Because of the unique situation of a relationship between the National Park Service and the Washington Tennis Foundation, the proposed regulation specifically exempts Rock Creek Park Tennis Center from certain considerations of the servicewide regulations.

## Timetable:

Action	Date	FR Cite
NPRM	03/31/92	57 FR 10850
NPRM Comment	04/30/92	57 FR 10850
Period End		
Final Action	07/07/92	57 FR 29794
Final Action	07/07/92	57 FR 29794
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, 1849 C Street NW., Washington, DC 20240, 202 208-4874

**RIN:** 1024-AC11

**BILLING CODE** 4310-70-F

## DEPARTMENT OF THE INTERIOR (DOI)

## Proposed Rule Stage

## Bureau of Indian Affairs (BIA)

### 1617. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

**Significance:** Agency Priority

**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 USC 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	03/03/87	52 FR 6482
NPRM Comment	05/04/87	52 FR 11503
Period End		
Public	01/23/91	
Consultation		
Reproposal	11/00/92	
Comment Period	01/00/93	
End		
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** Originally scheduled: January 1980. Reproposed 06/00/92 Reproposal date rescheduled to 11/00/92 due to President's moratorium.

**Agency Contact:** Reginald Rodriguez, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, MS-3530 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-4871

**RIN:** 1076-AA10

### 1618. 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

**Legal Deadline:** None



DOI-BIA

Proposed Rule Stage

**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 1990 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	01/00/93	
NPRM Comment	03/00/93	
Period End		
Final Action	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Reginald Rodriquez, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-4371

**RIN:** 1076-AA11

**1619. 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	12/30/87	12 FR 49172
NPRM Comment	02/29/88	52 FR 49172
Period End		
Public Consultation	01/23/91	
Reproposal	12/00/92	
Comment Period	02/00/93	
End		
Final Action	08/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Reginald Rodriquez, Chief, Branch of Postsecondary

Education, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 1849 C Street NW., Washington, DC 20240, 202 208-4871

**RIN:** 1076-AA15

**1620. LEASING AND PERMITTING**

**Significance:** Agency Priority

**Legal Authority:** 25 USC 395; 25 USC 402; 25 USC 403; 25 USC 466

**CFR Citation:** 25 CFR 162

**Legal Deadline:** None

**Abstract:** The Bureau proposes to reorganize part 162 into subparts to facilitate the use of the regulations for easier reference and to incorporate requirements for grazing permits within the rule for Leasing and Permitting. The inclusion of the requirements for grazing permits in this part will result in the removal of 25 CFR part 166, General Grazing Regulations, from the 25 CFR.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		
Final Action	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Hank Kipp, Division of Water and Land Resources, Billings Area Office, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-4004

**RIN:** 1076-AA29

**1621. ROADS OF THE BUREAU OF INDIAN AFFAIRS**

**Significance:** Agency Priority

**Legal Authority:** 25 USC 47; 25 USC 318a; 23 USC 202; 23 USC 204

**CFR Citation:** 25 CFR 170

**Legal Deadline:** None

**Abstract:** The Bureau of Indian Affairs is proposing to revise 25 CFR part 170 to reflect the current Bureau of Indian Affairs (BIA) and Federal Highway Administration (FHWA) policies for the road systems on Indian reservations. This change is proposed to assure that funds are apportioned from the Highway Trust Fund (HTF) for

construction projects on Indian reservations roads in accordance with the relative needs of the reservation, and to implement tribal self-determination.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		
Final Action	08/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard B. Geiger, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-4359

**RIN:** 1076-AB05

**1622. LEASING OF OSAGE RESERVATION LANDS FOR OIL/GAS MINING**

**Legal Authority:** PL 95-496, sec 1 to 2; PL 95-321; PL 95-919

**CFR Citation:** 25 CFR 226

**Legal Deadline:** None

**Abstract:** This proposed rule would amend 25 CFR Part 226 to allow certain producers to receive bonus or premium pay for the crude oil produced. The regulations strengthen the management of the Osage mineral estates and relieve the Osage oil lessees from basing the payment of royalties to the Osage Tribe on the offered or posted price of a major purchaser in Kansas-Oklahoma area.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Kim Snyder, Liaison Officer, Energy and Minerals, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Mail Stop 4544-MIB, Washington, DC 20240, 202 208-3607

**RIN:** 1076-AC09



DOI-BIA

Proposed Rule Stage

**1623. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM****Significance:** Agency Priority**Legal Authority:** 25 USC 13**CFR Citation:** 25 CFR 20**Legal Deadline:** None

**Abstract:** The Bureau is amending existing Financial Assistance and Social Services program regulations. The proposed regulations define the extent of the programs, establish eligibility requirements and set the parameters for assistance payments. General Assistance, Child Welfare Assistance and Services to Families and Communities will be revised. Adult Care Services, Tribal Work Experience Program and Miscellaneous Assistance Programs will be added to the regulations in more detail.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	
Final Action	09/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Additional Information:** This revision of 1076-AC13 merges 1076-AB99 and 1076-AC13 from the October 1990 agenda.

**Agency Contact:** David Hickman, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 268-2721

**RIN:** 1076-AC13**1624. CERTIFICATES OF DEGREE OF INDIAN BLOOD****Legal Authority:** 5 USC 301; 25 USC 2; 25 USC 9**CFR Citation:** 25 CFR 70**Legal Deadline:** None

**Abstract:** This rulemaking action is to add a new part 70 to govern the issuance of Certificates of Degree of Indian Blood (CDIB's). There has been a sharp increase in the number of requests for CDIB's over the past few years. More and more programs are requiring individuals to submit CDIB's to document possession of Indian blood. This rulemaking action is intended to clarify the circumstances under which the Bureau will issue CDIB's; the documents and records on

which the Bureau will base the issuance of CDIB's; and the procedures that individuals will need to follow, including any documentation requirements, to obtain CDIB's.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment Period End	04/00/93	
Final Action	09/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Lathel Duffield, Chief, Branch of Tribal Enrollment Services, Department of the Interior, Bureau of Indian Affairs, MS-2611 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3702

**RIN:** 1076-AC19**1625. REVISED PROCEDURES FOR IMPLEMENTATION OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS OF 1988****Significance:** Regulatory Program**Legal Authority:** 25 USC 450; 5 USC 5911; 43 USC 1396**CFR Citation:** 25 CFR 900; 25 CFR 272; 25 CFR 274; 25 CFR 275; 25 CFR 276; 25 CFR 277; 25 CFR 278**Legal Deadline:** NPRM, Statutory, August 5, 1989. Final, Statutory, October 5, 1989.

**Abstract:** The primary purpose of the amendments to 93 USC 638 is to permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services while maintaining the Federal Government's unique and continuing relationship with and responsibility to individual Indian tribes and to the Indian people as a whole. In addition to extensive consultation with the tribes and Native American groups, the Bureau of Indian Affairs is examining all of its planning administrative procedures from the perspective of maximizing tribal participation. Due to the broad scope of the review, an estimate of the potential cost and potential benefit is premature. The changes are one of process rather than

increases or decreases in budget or program funding.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	
NPRM Comment Period End	10/00/93	
Final Action	10/00/94	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal

**Additional Information:** This Rule combined the current 25 CFR parts 271,272,274,275,276, 277 and 278.

**Agency Contact:** Denise Homer, Chief, Indian Self Determination, Department of the Interior, Bureau of Indian Affairs, Room 4627-MIB, 1849 C Street NW., Washington, DC 20240, 202 208-5727

**RIN:** 1076-AC20**1626. INDIAN ELECTRIC POWER UTILITIES****Legal Authority:** 5 USC 301**CFR Citation:** 25 CFR 175**Legal Deadline:** None

**Abstract:** This proposed revision will add a new section "Hardship Cases" to the current regulation and will make necessary changes to incorporate a delegation of authority under Secretary's Order 3150. There are no other alternatives to consider and these changes will not create additional cost to the public or the Federal Government. Benefits will be to the consumer who is considered under hardship conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment Period End	05/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Mort Dreamer, General Supervisory Engineer, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., MS 4550 MIB, Washington, DC 20240, 202 208-5696

**RIN:** 1076-AC24



DOI-BIA

Proposed Rule Stage

**1627. LEASING OF OSAGE RESERVATION LANDS FOR MINING FOR MINERALS OTHER THAN OIL AND GAS**

**Legal Authority:** PL 59-321

**CFR Citation:** 25 CFR 214

**Legal Deadline:** None

**Abstract:** The BIA is proposing to revise the regulations at 25 CFR 214 governing management of non-oil and gas minerals on Osage Reservation Lands in Oklahoma. The proposed revisions eliminate specific royalties for minerals not found within the Osage Mineral estate and give authority to the Osage Tribal Council, with the approval of the Superintendent of the Osage Agency, to set applicable royalty rates. This revision also replaces outmoded methods of exchange with modern methods, and correctly designates those officials responsible for the management of non-oil and gas minerals within the Osage Mineral estate. The proposed revisions are intended to enhance the management ability of the Department over the production of these minerals, and to eliminate various inaccuracies in the current regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	
Final Action	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jack Shoemate, Superintendent, Department of the Interior, Bureau of Indian Affairs, Osage Agency, Pawhuska, OK 74056, 918 287-2481

**RIN:** 1076-AC28

**1628. SAFETY AND HEALTH INSPECTION PROGRAM**

**Legal Authority:** 25 USC 2; 25 USC 9; 25 USC 13; 5 USC 7902; 7 USC 135 et seq; 21 USC 301 et seq; 23 USC 208; 33 USC 467 et seq

**CFR Citation:** 25 CFR 50

**Legal Deadline:** None

**Abstract:** This proposed rule establishes a new part containing requirements for determining whether plant conditions at Bureau-funded schools are an immediate hazard to

health and safety. The Bureau is required to develop rules for a safety and health inspection program by PL 100-297, which states that schools may be closed or consolidated, or programs substantially curtailed, for plant conditions constituting an immediate hazard to health or safety only if a Bureau health and safety officer determines that such conditions exist. This rule is administrative in nature and outlines the responsibilities of the Division of Safety Management for conducting safety and health inspections.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	
Final Action	08/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Charles Jaynes, Department of the Interior, Bureau of Indian Affairs, Division of Safety Management, P.O. Box 2186, Albuquerque, NM 87103, 505 474-2863

**RIN:** 1076-AC31

**1629. MINIMUM ACADEMIC STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN AND NATIONAL CRITERIA FOR DORMITORY SITUATIONS**

**Significance:** Agency Priority

**Legal Authority:** 25 USC 2001

**CFR Citation:** 25 CFR 36

**Legal Deadline:** None

**Abstract:** The Bureau of Indian Affairs is proposing to revise the regulations in 25 CFR 36 which govern the provisions of academic and dormitory programs for bureau-funded schools. The proposed revisions will satisfy the requirements of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (PL 100-297) which require the establishment of standards for immunization of students, an alcohol and substance abuse curriculum and a process for substituting alternative dormitory standards.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment Period End	01/00/93	
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jim Martin, Chief, Planning, Oversight and Evaluation Staff, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 219-1131

**RIN:** 1076-AC32

**1630. INDIAN SCHOOL EQUALIZATION PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** 25 USC 2008; 25 USC 2010

**CFR Citation:** 25 CFR 39

**Legal Deadline:** None

**Abstract:** The Bureau is revising 25 CFR 39 to satisfy the requirements of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (PL 100-297), which requires amendments to the Indian School Equalization Program formula weight factors affecting students enrolled in the seventh and eighth grades, small schools, school board expenses, and gifted and talented students.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	
Final Action	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jim Martin, Chief, Planning, Oversight and Evaluation Staff, Department of the Interior, Bureau of Indian Affairs, MS-3530, MIB, 1849 C Street NW., Washington, DC 20240, 202 219-1131

**RIN:** 1076-AC33

**1631. LEASING OF CERTAIN LANDS ON THE WIND RIVER INDIAN RESERVATION, WYOMING, FOR OIL AND GAS MINING**

**Legal Authority:** 43 USC 361



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## Proposed Rule Stage

**CFR Citation:** 25 CFR 227**Legal Deadline:** None

**Abstract:** The regulations at 24 CFR 227 are being revised to reflect organizational changes in the Bureau of Indian Affairs and Land Management. The principal changes update the references to the Bureau of Land Management official assigned various responsibilities by the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	05/00/93	
Period End		
Final Action	11/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Sharlene Roundface, Realty Specialist, Department of the Interior, Bureau of Indian Affairs, Division of Real Property Management, 316 North 28th Street, Billings, MT 59101, 406 657-6301

**RIN:** 1076-AC36**1632. GENERAL FOREST REGULATIONS****Significance:** Agency Priority

**Legal Authority:** 25 USC 2; 25 USC 301; 25 USC 406; 25 USC 407; 25 USC 413; 25 USC 466

**CFR Citation:** 25 CFR 163**Legal Deadline:** Final, Statutory, May 28, 1992.

**Abstract:** The Bureau of Indian Affairs is revising 25 CFR part 163 to reflect those changes necessary to implement the National Indian Forest Resources Management Act, PL 101-630. This action includes revisions and amendments to existing regulations as well as the addition and deletion of sections affected by the Act. The regulations will provide uniform guidance for forest management and administration and implement Indian and Alaskan Native forestry education assistance programs.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	12/00/92	
Period End		
Final Action	05/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal

**Agency Contact:** Jim Stires, Forester, Branch of Forestry, Department of the Interior, Bureau of Indian Affairs, Billings Area Office, 1316 N. 28th Street, Billings, MT 59101, 406 657-6358

**RIN:** 1076-AC44**1633. DEPOSIT AND EXPENDITURE OF INDIVIDUAL FUNDS OF MEMBERS OF THE OSAGE TRIBE OF INDIANS WHO DO NOT HAVE CERTIFICATES OF COMPETENCY****Legal Authority:** 5 USC 301**CFR Citation:** 25 CFR 117**Legal Deadline:** None

**Abstract:** The Bureau of Indian Affairs is publishing a proposed rule to amend the regulations governing the deposit and expenditure of individual funds belonging to persons of Osage blood who do not possess a certificate of competency. The regulations are being amended to correspond to current administrative and economic conditions. The promulgation of these amendments will improve the management of the restricted funds of such persons and estates of such deceased persons.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		
Final Action	10/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Jack Shumate, Superintendent, Osage Agency, Department of the Interior, Bureau of Indian Affairs, Osage Agency, Grandview Agency, Tulsa, OK 74056, 918 287-2495

**RIN:** 1076-AC45**1634. PREPARATION OF A ROLL OF INDEPENDENT SEMINOLE INDIANS OF FLORIDA**

**Legal Authority:** 5 USC 301; 25 USC 2; 25 USC 9; PL 101-227

**CFR Citation:** 25 CFR 67**Legal Deadline:** None

**Abstract:** The Bureau of Indian Affairs is proposing to add a new part 67 to provide procedures to govern the preparation, certification, and approval of a descendency roll of independent Seminole Indians of Florida. The Act of April 30, 1990, provides for the use and distribution of funds awarded the Seminole Indians in dockets 73. 151 and 73-A of the Indian Claims Commission. Section 7 directs the Secretary of the Interior to compile a roll of independent individuals of Seminole descent. The descendency roll will be used as the basis for a per capita distribution of a portion of the Seminole judgement funds.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/92	57 FR 45252
NPRM Comment	10/30/92	
Period End		
Final Action	05/00/93	
Final Action	06/00/93	
Effective		

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Kaye Armstrong Vann, Area Tribal Relations Specialist, Department of the Interior, Bureau of Indian Affairs, 3701 N. Fairfax Drive, MS-260, Virginia Square, Arlington, VA 22203, 703 235-2575

**RIN:** 1076-AC48**1635. EDUCATION FACILITIES CONSTRUCTION****Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 25 USC 2; 25 USC 13; 25 USC 413; 25 USC 9; 25 USC 295; 25 USC 2005c; 29 USC 794

**CFR Citation:** 25 CFR 294**Legal Deadline:** None

**Abstract:** The purpose of these regulations is to formalize procedures and the approval process for the acquisition of sites, construction, or renovation (including all necessary equipment) for schools for Indian children under funds authorized and appropriated under Federal statutes for new school construction application evaluations and priority rankings. These appropriations include, but are not limited to, the following: facility structures that require new addition to an existing structure, new school



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facilities, dormitories, gymnasiums, cafeterias, libraries, and multi-purpose rooms.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	02/00/93	
Period End		
Final Action	07/00/93	
Final Action	08/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Part 37 has been renumbered part 294 and is placed in new subchapter P in 25 CFR chapter I. "Facilities, Construction, Operation and Maintenance."

**Agency Contact:** Kathleen L. Slover, Program Liaison Specialist, Office of Construction Management, Department of the Interior, Bureau of Indian Affairs, Room 2417 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3405

**RIN:** 1076-AC49

### 1636. OPERATION AND MAINTENANCE OF IRRIGATION PROJECTS

**Significance:** Agency Priority

**Legal Authority:** 25 USC 145; 25 USC 383; 25 USC 385; 25 USC 338; 25 USC 43

**CFR Citation:** 25 CFR 171

**Legal Deadline:** None

**Abstract:** The purpose of these revisions is to provide for consistent administration, to establish policies for updating practices and procedures of operation and maintenance of the irrigation system and to provide uniform accounting procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment	05/00/93	
Period End		
Final Action	12/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mort Dreamer, Supervisory General Engineer, Department of the Interior, Bureau of Indian Affairs, Room 4559, MIB, 1849 C

Street NW., Washington, DC 20240, 202 208-5696

**RIN:** 1076-AC53

### 1637. OPERATION OF ALASKA RESUPPLY PROGRAM

**Legal Authority:** 5 USC 301; 25 USC 13; 48 USC 50

**CFR Citation:** 25 CFR 142

**Legal Deadline:** None

**Abstract:** The proposed revisions will accommodate the new delivery methods which are a result of a test period utilizing the Air Force's contracts with commercial enterprises. This system has replaced the use of the vessel known as the USMS NORTH STAR III. Additionally, the proposed revisions will serve to clarify certain administrative functions resulting from recent management audits as well as other changing conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		
Final Action	09/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** George Hillman, Acting Director Seattle Support Center, Department of the Interior, Bureau of Indian Affairs, P.O. Box 80947, Seattle, WA 98108, 206 764-3328

**RIN:** 1076-AC54

### 1638. INDIAN CHILD WELFARE ACT

**Significance:** Regulatory Program

**Legal Authority:** 5 USC 301; 25 USC 2; 25 USC 9

**CFR Citation:** 25 CFR 23

**Legal Deadline:** None

**Abstract:** The regulations (25 CFR part 23) are being revised to authorize the provision of funds to Indian tribes on a non-competitive basis. The revised rule will also incorporate provisions for maintaining a competitive grant award process for non-reservation Indian organizations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	12/00/92	
Period End		
Final Action	06/00/93	

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Agency Contact:** David Hickman, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, Room 310, SIB, 1849 C Street NW., Washington, DC 20240, 202 208-2721

**RIN:** 1076-AC55

### 1639. ● ISSUANCE OF PATENTS IN FEE, CERTIFICATION OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

**Significance:** Agency Priority

**Legal Authority:** 25 USC 301; 25 USC 378; 25 USC 379; 25 USC 404; 25 USC 405; 25 USC 372; 25 USC 373; 25 USC 483; 25 USC 355; 25 USC 2202

**CFR Citation:** 25 CFR 152

**Legal Deadline:** None

**Abstract:** The proposed changes will enhance the review and processing of land acquisition and disposal transactions for tribes and individual Indians. The revision will reflect statutory changes, Federal court decisions, and conflicts in present regulations relating to Acquisitions. In addition to those provisions that are affected by the conflict, other provisions within the existing regulations are in need of updating as well.

**Timetable:**

Action	Date	FR Cite
Consultations	10/00/92	
NPRM	03/00/93	
NPRM Comment	05/00/93	
Period End		
Final Action	12/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Alice Harwood, Realty Specialist Division of Real Estate Services, Office of Trust and Economic Dev., Department of the Interior, Bureau of Indian Affairs, 1849



DOI-BIA

Proposed Rule Stage

C Street NW., Washington, DC 20240,  
202 208-4861

RIN: 1076-AC57

#### 1640. LAW ENFORCEMENT FACILITIES REGULATIONS

**Legal Authority:** 5 USC 301; 25 USC 2; 25 USC 13; 25 USC 413

**CFR Citation:** 25 CFR 296

**Legal Deadline:** None

**Abstract:** The Bureau of Indian Affairs (BIA) is proposing to add a new part 298 to formalize the procedures applicable to the priority ranking process for Adult and Juvenile Detention Centers projects federally owned, leased, contracted or granted. The new part 296 will be added under a new subchapter P of title 25 of the Code of Federal Regulations entitled Facilities Management Program. The priority ranking process will result in the establishment of a priority listing of Adult and Juvenile Detention Center projects for possible funding as authorized and appropriated by Congress.

#### Timetable:

Action	Date	FR Cite
NPRM	02/00/93	
NPRM Comment Period End	04/00/93	
Final Action	10/00/93	
Final Action Effective	11/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Kathleen L. Slovor, Program Liaison Specialist, Office of Construction Management, Department of the Interior, Bureau of Indian Affairs, Room 2417 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3405

RIN: 1076-AC60

#### 1641. INDIVIDUAL INDIAN MONIES

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301; 25 USC 29; 43 USC 1457

**CFR Citation:** 25 CFR 115

**Legal Deadline:** None

**Abstract:** This regulation will modify existing regulations governing the Individual Indian Monies Trust (IIM) Funds and establish guidelines on

accepting new IIM accounts. The Federal Government has sole responsibility for the protection of Indian trust funds which have been either collected from receipts from Indian trust land or through judgment awards to tribes and/or individuals.

The Bureau of Indian Affairs has established the Office of Trust Funds Management to oversee Indian Trust Funds operations. The modified and new regulations will result in the added protection, and more efficient handling of the Indian trust funds.

#### Timetable:

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	
Final Action	08/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jim Parris, Director, Office of Trust Funds Management, Department of the Interior, Bureau of Indian Affairs, 505 Marquette NW, Suite 700, Albuquerque, NM 87102, 505 786-3230

RIN: 1076-AC65

#### 1642. ADDING NEW CRIMINAL OFFENSES AND CIVIL PROCEDURES FOR THE COURTS OF INDIAN OFFENSES

**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 has recently revised its regulations governing Courts of Indian Offenses to provide those courts with an updated code of laws and to clarify the jurisdiction of those courts and their relationships to tribal governments and the Department of the Interior.

New provisions concern drug abuse, abuse of psychotoxic substances, child abuse prostitution, domestic violence and increased maximum penalties for various offenses in the Code. Other added provisions include a change in the method of listing Indian reservations to which the Code applies, together with a repeal of the supersession provision by which tribal ordinances, inconsistent with the regulations, may override the Code's

text. A clarifying provision on jurisdictional limitations is added, specifically excluding from jurisdiction under this part Federal employees acting within the scope of their employment.

#### Timetable:

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment Period End	05/00/93	
Final Action	11/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Hilda A. Manuel, Chief, Branch of Judicial Services, Department of the Interior, Bureau of Indian Affairs, Division of Tribal Government Services, 1849 C Street, NW MS-2612 MIB, Washington, DC 20240, 202 208-4400

RIN: 1076-AC66

#### 1643. SALE OF FOREST PRODUCTS, RED LAKE INDIAN RESERVATION, MINNESOTA

**Legal Authority:** 25 USC 9; 25 USC 2

**CFR Citation:** 25 CFR 165

**Legal Deadline:** None

**Abstract:** The purpose of this action is to delete part 165 from 25 CFR. Since the Red Lake Indian Mills no longer exist and since section 163.13, "Indian tribal forest enterprise operations," of the 1992 revision of the 25 CFR General Forest Regulations adequately prescribes policy for the sale of forest products produced by other Indian forest product enterprises on the Red Lake Indian Reservation, 25 CFR part 165 is no longer needed.

#### Timetable:

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	
Final Action	09/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marshall Cutsforth, Chief, Division of Forestry, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW 4545-



DOI-BIA

Proposed Rule Stage

MIB, Washington, DC 20240, 202 208-6067

RIN: 1076-AC75

**1644. ● SALE OF LUMBER AND OTHER FOREST PRODUCTS PRODUCED BY INDIAN ENTERPRISES FROM THE FORESTS ON INDIAN RESERVATIONS****Legal Authority:** 25 USC 2; 25 USC 9**CFR Citation:** 25 CFR 164**Legal Deadline:** None

**Abstract:** The purpose of this action is to delete part 164 from 25 CFR. Since section 163.13, "Indian tribal forest enterprise operations," of the 1992 revision of the 25 CFR General Forest Regulations adequately prescribed policy for the sale of lumber and other forest products produced by Indian enterprises from forests on Indian reservations, 25 CFR part 164 is no longer needed.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	
Final Action	06/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Marshall Cutsforth, Chief, Division of Forestry, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, Mail Stop 4545, MIB, 1849 C Street NW., Washington, DC 20240, 202 208-6067

RIN: 1076-AC77

**1645. ● LISTING OF COURTS OF INDIAN OFFENSES: AMENDMENT****Legal Authority:** 5 USC 301; 25 USC 9; 25 USC 13**CFR Citation:** 25 CFR 11**Legal Deadline:** None

**Abstract:** On May 14, 1991, the Ute Mountain Tribal Council voted to retrocede the operation of the law enforcement services and tribal court programs citing ongoing problems which have hindered the fair and impartial administration of justice. This decision has created a jurisdictional void since neither State or Federal authorities have jurisdiction over minor offenses committed by Indians. To

minimize the potential danger to the residents of the Ute Mountain Ute Reservation, the BIA is undertaking this rulemaking to authorize the establishment of Courts of Indian Offenses to fill this apparent jurisdictional void.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	
Final Action	09/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Roland Johnson, Assistant Area Director (Programs), Albuquerque Area Office, Department of the Interior, Bureau of Indian Affairs, P.O. Box 26567, Albuquerque, NM 87125-6567, 505 766-3157

RIN: 1076-AC78

**1646. ● USE OF COLUMBIA RIVER INDIAN IN-LIEU FISHING SITES****Significance:** Agency Priority**Legal Authority:** 5 USC 301; 25 USC 2; 25 USC 9**CFR Citation:** 25 CFR 248**Legal Deadline:** None

**Abstract:** The purpose of this action is to amend 25 CFR 248 to be consistent with the decision of the 9th Circuit Court of Appeals and the final judgment in *Sohappy v. Hodel*. The court declared invalid that portion of the regulation prohibiting permanent occupancy of the five Columbia River in-lieu fishing sites. The proposed amendment revises the rule to delete the prohibition against construction of permanent dwelling structures on the five in-lieu sites.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/92	57 FR 45258
NPRM Comment Period End	11/30/92	
Final Action	07/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Ron Eggers, Chief, Branch of Fisheries, Portland Area Office, Department of the Interior, Bureau of Indian Affairs, 911 NE 11th

Avenue, Portland, OR 97232-4169, 503 231-6749

RIN: 1076-AC79

**1647. ● ADULT AND JUVENILE DETENTION, HOLDING AND COMMUNITY RESIDENTIAL STANDARDS FOR FACILITIES AND PROGRAMS****Legal Authority:** 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 13; 25 USC 2417; 25 USC 2453; 25 USC 2802**CFR Citation:** 25 CFR 10**Legal Deadline:** None

**Abstract:** The Bureau of Indian Affairs is proposing a new Part 10 in 25 CFR to establish standards for governing Indian adult and juvenile detention, holding and community residential facilities and programs. The current detention regulations in 25 CFR are over 20 years old and extremely limited. The proposed changes will cover all important issues governing detention and residential services. The standards will increase the bureau's capability to provide Indian tribes the direction to administer constitutionally sound detention and residential programs. It will also provide a preventative measure to potential litigation.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment Period End	05/00/93	
Final Action	11/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Warren D. LeBeau, Detention Specialist, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-5786

RIN: 1076-AC80

**1648. ● NAVAJO PARTITIONED LANDS GRAZING REGULATIONS****Legal Authority:** 25 USC 640(d)**CFR Citation:** 25 CFR 161**Legal Deadline:** None

**Abstract:** These regulations are necessary for implementation of the livestock and grazing control provisions of 25 USC 640(d). In 1982 the Federal



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District Court for Arizona abolished 25 CFR 153, Grazing Regulation for the Joint Use Administrative Area and ordered the Secretary to promulgate new regulations for the control of grazing and livestock for the former Joint Use Administrative Area. Due to a lack of tribal concurrence, regulations were not promulgated for lands partitioned to the Navajo Tribe. Navajo tribal concurrence has been recently achieved; therefore, the BIA needs to move forward with publication of these regulations. Any cost associated with

the implementation of these regulations will be assumed within the BIA annual budget. Cost associated with compliance of the provisions of these regulations will be borne by the Navajo Tribe or its members. There is no associated cost to the general public.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	
NPRM Comment Period End	05/00/93	
Final Action	10/00/93	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Ray Smith, Chief, Branch of Agriculture, Division of Water and Land, Department of the Interior, Bureau of Indian Affairs, 1849 C St. NW., Washington, DC 20240, 202 208-6807

RIN: 1076-AC81

**DEPARTMENT OF THE INTERIOR (DOI)  
 Bureau of Indian Affairs (BIA)**

Final Rule Stage

**1649. CRIMINAL AND CIVIL CODE OF OFFENSES AND PROCEDURES FOR THE COURTS OF INDIAN OFFENSE**

**Significance:** Agency Priority

**Legal Authority:** 25 USC 2; 25 USC 9; 25 USC 13

**CFR Citation:** 25 CFR 11; 25 CFR 12

**Legal Deadline:** None

**Abstract:** The present regulations contain an incomplete criminal code that does not cover many areas of the law that are usually in the laws of the States where the reservation is located. The current regulations also contain very sketchy provisions on criminal and civil procedure. This rule proposes to update the sections on criminal offenses and create new sections on criminal procedures, domestic relations, probate proceedings, appellate proceedings and juvenile proceedings. This will provide the Courts with more complete and up-to-date proceedings and rules. Courts will have a six month period from the date of publication of the final rule to the effective date in which to revise their court codes. It is not anticipated that this revision will have any effect on the annual caseload for these courts or routine additional staffing. Therefore, the initiation of these rules should not result in additional costs.

**Timetable:**

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43235
NPRM Comment Period End	01/31/86	51 FR 400
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Originally scheduled: January 1981.

**Agency Contact:** Hilda A. Manuel, Chief, Branch of Judicial Services, Department of the Interior, Bureau of Indian Affairs, Division of Tribal Government Services, 1849 C Street NW., MS-2242, Washington, DC 20240, 202 208-4400

RIN: 1076-AA01

**1650. LAND ACQUISITIONS FOR TRIBES AND INDIVIDUAL INDIANS**

**Significance:** Agency Priority

**Legal Authority:** 25 USC 485; 25 USC 2202

**CFR Citation:** 25 CFR 151

**Legal Deadline:** None

**Abstract:** As a result of the Indian Land Consolidation Act, PL 97-495, many of the current provisions within 25 CFR 151 require updating. These changes will have a major impact on the ability of tribes and individual Indians to manage their real estate more effectively and efficiently. In addition to those provisions that are affected by the Act, other provisions within existing regulations are in need of updating as well. The proposed changes will enhance the review and processing of land acquisition transactions for tribes and individual Indians.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Alice Harwood, Realty Specialist, Department of the Interior, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW., Washington, DC 20240, 202 208-4861

RIN: 1076-AA81

**1651. OIL AND GAS AND GEOTHERMAL SOLID MINERAL AGREEMENTS LEASING OF TRIBAL LANDS FOR MINERAL DEVELOPMENT; LEASING OF ALLOTTED LANDS FOR MINERAL DEVELOPMENT**

**Significance:** Agency Priority

**Legal Authority:** 25 USC 10; 25 USC 289; 25 USC 398a to 398d; 25 USC 415; 25 USC 478; 25 USC 477; PL 97-382; 25 USC 290; 25 USC 396

**CFR Citation:** 25 CFR 225; 25 CFR 211; 25 CFR 212

**Legal Deadline:** None

**Abstract:** The Bureau proposes to publish regulations in 25 CFR part 225 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. This Act authorizes the tribes to enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

The regulations in 25 CFR part 211 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



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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.

As a result of the public comments on the previously proposed rules for 25 CFR parts 211 and 225, it has been determined that 25 CFR part 212 will not be removed. Public response to the proposed rule contained reasonable and compelling arguments for retaining 25 CFR part 212 and for restructuring the format of the regulation. 25 CFR part 212 will not be removed.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
NPRM Comment Period End	09/12/83	
NPRM	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Reproposed	11/21/91	56 FR 58734
Comment Period End	02/19/92	56 FR 58734
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Originally scheduled: April 1983.

**Agency Contact:** Kim Snyder, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-3607

**RIN:** 1076-AA82

### 1652. PROTECTION OF ARCHAEOLOGICAL RESOURCES

**Legal Authority:** 16 USC 470

**CFR Citation:** 25 CFR 262

**Legal Deadline:** None

**Abstract:** The proposed rule will add a new part to title 25 of the Code of Federal Regulations. The rule is in response to direction in the Archeological Protection Act of 1979. Key areas of the proposed rule will address the permit requirements specific to Indian Tribes and individuals, and the custody of archeological resources.

**Timetable:**

Action	Date	FR Cite
NPRM	01/25/90	55 FR 2580
NPRM Comment Period End	02/24/90	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Don Sutherland, Archeologist, Office of Environmental Quality, Department of the Interior, Bureau of Indian Affairs, Mail Stop 4544-MIB, 1849 C Street NW., Washington, DC 20240, 202 208-4791

**RIN:** 1076-AC23

### 1653. PROCEDURES FOR ESTABLISHING THAT AN AMERICAN GROUP EXISTS AS AN INDIAN TRIBE

**Legal Authority:** 5 USC 301; 25 USC 2; 25 USC 9

**CFR Citation:** 25 CFR 83

**Legal Deadline:** None

**Abstract:** The proposed revisions will resolve problems with existing regulations published more than 10 years ago. They will clarify terms and definitions, interpret criteria, improve the appeals process, and respond to changing conditions. The revisions will be based on 10 years experience with the regulations and will reflect comments received from the Congress, Indian groups and tribes, and other Federal agencies and national organizations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/18/91	56 FR 47320
NPRM Comment Period End	12/17/91	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Holly Reckord, Acting Chief, Branch of Acknowledgement and Research, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 203-3592

**RIN:** 1076-AC46

### 1654. BUY INDIAN ACT PROCEDURES FOR CONTRACTING

**Significance:** Regulatory Program

**Legal Authority:** 48 USC 47

**CFR Citation:** 48 CFR 1480

**Legal Deadline:** Final, Statutory, March 1, 1991.

Interim Final - 03/01/91.

**Abstract:** This rule will be codified as the new 48 CFR 1480, replacing 41 CFR part 14H, and will establish policies and procedures concerning the Bureau of Indian Affairs' acquisition management system. This rule pertains to contracts (excluding building construction) entered into pursuant to the Act of June 25, 1910 (25 USC 47), which is usually referred to as the "Buy Indian Act."

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/91	56 FR 46468
NPRM Comment Period End	01/10/92	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Kimberly A. Romine, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, MS 334-A, SIB, 1849 C Street NW., Washington, DC 20240, 202 208-2825

**RIN:** 1076-AC50

### 1655. OFF RESERVATION LAND ACQUISITIONS FOR INDIAN TRIBES

**Significance:** Regulatory Program

**Legal Authority:** 25 USC 465; 25 USC 2202

**CFR Citation:** 25 CFR 151

**Legal Deadline:** None

**Abstract:** This proposed rule will provide stronger and more consistent guidelines for reviewing trust applications than the current case-by-case review, which uses general criteria. The Secretary of the Interior announced on July 19, 1990, a new policy for Indian Tribes acquiring in trust for gaming and non-gaming purposes lands contiguous to or outside the tribe's existing reservation boundaries. This proposed revision will add two new sets of criteria that will be used in evaluating tribal off-reservation acquisition for gaming and non-gaming purposes.



DOI-BIA

Final Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	07/15/91	56 FR 32278
NPRM Comment Period End	08/15/91	56 FR 32278
Final Action	12/00/92	

## Action Date FR Cite

Final Action Effective	01/00/93	
<b>Small Entities Affected:</b> None		
<b>Government Levels Affected:</b> None		

**Agency Contact:** Alice Harwood, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Room 4522 - MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3604  
**RIN:** 1076-AC51

## DEPARTMENT OF THE INTERIOR (DOI)

## Completed Actions

## Bureau of Indian Affairs (BIA)

## 1656. LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

**Legal Authority:** 25 USC 355; 25 USC 365; 25 USC 325; 28 USC 179; 28 USC 179a; 25 USC 356

**CFR Citation:** 25 CFR 213

**Legal Deadline:** None

**Abstract:** This rule is being revised to ensure 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.

## Timetable:

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	07/06/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Kim Snyder, Division of Energy and Minerals, Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-3607

**RIN:** 1076-AB41

**Abstract:** Publication of this proposed rule is necessary so that tribes, tribal organizations, and consortia of tribes who have combined memberships of 500 members or more may provide the necessary services to parents and children under six years old whose needs are not being met by existing programs. National studies show that for every dollar spent on early childhood development programs there is a return of six dollars. The benefits include increasing the literacy rate, the graduation rate, and the rate of enrollment in higher education. High quality early childhood programs can also decrease the rate of cognitive learning and emotional handicaps; teenage pregnancy; welfare dependency and the incidence of arrest and juvenile delinquency.

## Timetable:

Action	Date	FR Cite
Public Consultation	01/21/91	
Withdrawn - No further action to be taken at this time.	07/03/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sharon Lynn, Acting Chief, Branch of Elementary and Secondary Education, Department of the Interior, Bureau of Indian Affairs, MS-3530 MIB, 1849 C Street NW., Washington, DC 20240, 202 219-1127

**RIN:** 1076-AC25

## 1658. CHARGES FOR GOODS AND SERVICES PROVIDED TO NON-FEDERAL USERS

**Significance:** Regulatory Program

**Legal Authority:** 31 USC 9701 (b); 25 USC 2; 25 USC 13; 25 USC 413

**CFR Citation:** 25 CFR 143

**Legal Deadline:** None

**Abstract:** This interim rule will give the Bureau authority to bill and collect for services currently provided to non-Federal users. These rules must be promulgated before fees are charged by the Bureau for services and goods to non-Federal users under the Independent Offices Appropriations Act. Billing and collecting for the goods and services will not increase or decrease the current appropriated funding level. This rule is only to clarify the legality of the process that is already in effect. Since less than 90 locations will be affected, this rule will not have a significant effect on the national economy.

## Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/90	55 FR 19620
Withdrawn - No further action to be taken at this time.	07/09/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Patrick Hayes, Dep. to Assist. Sec., Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-5831

**RIN:** 1076-AC29

## 1659. LEAD AND ZINC MINING OPERATIONS, QUAPAW AGENCY

**Legal Authority:** PL 66-359; PL 75-39

**CFR Citation:** 25 CFR 215

**Legal Deadline:** None

**Abstract:** BIA proposes to amend 25 CFR 215 to update the operations and procedures for leasing, discovery, testing, processing, developing, mining and processing lead and zinc minerals on lands under the jurisdiction of the Bureau's Miami Agency in Ottawa

## 1657. MINIMUM STANDARDS FOR AND APPLICATION AND APPROVAL PROCEDURES FOR BIA EARLY CHILDHOOD DEVELOPMENT PROGRAMS

**Significance:** Regulatory Program

**Legal Authority:** 20 USC 3385; 25 USC 2003

**CFR Citation:** 25 CFR 35

**Legal Deadline:** None



## DOI—BIA

## Completed Actions

County, Oklahoma. Current regulations governing such leases were developed over 30 years ago and no longer reflect current practices or standards in the mining industry. The proposed revisions will assist affected Indians with the efficient development of their lead and zinc deposits without waste, avoidable loss or damage to their natural resources, the environment, or other resources. The Bureau also proposes to retitle 25 CFR 215 as "Lead and Zinc Mining Operations and Leases, Miami Agency."

**Timetable:**

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	07/06/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dick Wilson, Chief, Division of Energy and Minerals, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 203-3607

**RIN:** 1076-AC30

### 1660. TRIBAL REORGANIZATION UNDER A FEDERAL STATUTE

**Legal Authority:** 5 USC 301; 25 USC 473a; 25 USC 476; 25 USC 477; 25 USC 503; PL 100-581

**CFR Citation:** 25 CFR 81

**Legal Deadline:** None

**Abstract:** These regulations establish uniform procedures for conducting Secretarial elections for voting on proposed constitutions when tribes wish to reorganize, adopt constitutional amendments, ratify and amend charters, or revoke existing constitutions. This proposed rule will revise the regulations to bring them into compliance with PL 100-581.

**Timetable:**

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	07/09/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Hilda Manuel, Acting Chief, Division of Tribal Government

Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 203-7446

**RIN:** 1076-AC34

### 1661. PETITIONING AND OTHER PROCEDURES FOR TRIBES REORGANIZED UNDER FEDERAL STATUTE AND OTHER ORGANIZED TRIBES

**Legal Authority:** 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 473a; 25 USC 476; 25 USC 477; 25 USC 503

**CFR Citation:** 25 CFR 82

**Legal Deadline:** None

**Abstract:** The rules in 25 CFR 82 provide uniformity and order in formulation and submission of petitions requesting the Secretary to call elections to amend tribal constitutions, to issue charters and for other actions where constitutions provide for petitioning to effect actions by the Secretary or the commissioner. This rulemaking action will amend the regulations to allow the spokesman for the petitioners to make technical changes to petitions in consultation with the Bureau and to change the petition format.

**Timetable:**

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	07/09/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Hilda Manuel, Acting Chief, Division of Tribal Government Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 203-7446

**RIN:** 1076-AC35

### 1662. LOANS TO INDIANS FROM REVOLVING LOAN FUND

**Significance:** Agency Priority

**Legal Authority:** 25 USC 1469; 25 USC 1490; 25 USC 1498

**CFR Citation:** 25 CFR 101; 25 CFR 103

**Legal Deadline:** None

**Abstract:** Parts 101 and 103 of title 25 are being revised to clarify that OMB

Circulars A-70 and A-129 relating to Federal credit policy and managing Federal credit programs apply to BIA Indian loan programs and compliance is required. A new minimum equity requirement of 20 percent is required to receive a loan or loan guaranty. A new provision reflecting an amendment to the statute allows "any person" to purchase a guaranteed loan. Some wording has been changed to clarify the intent of the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/23/91	56 FR 48082
NPRM Comment Period End	10/23/91	
Final Action	10/08/92	57 FR 46470
Final Action Effective	11/09/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard Nephew, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 203-3660

**RIN:** 1076-AC38

### 1663. OPERATION AND MAINTENANCE

**Legal Authority:** 5 USC 297; 25 USC 2; 25 USC 13

**CFR Citation:** 25 CFR 297

**Legal Deadline:** None

**Abstract:** The Bureau of Indian Affairs (BIA) is proposing to add a new part 297 to establish an allocation formula for distributing the funds to sustain the routine operation and maintenance activities at Bureau, contract, grant or self governance educational or non-educational facilities. The formula is intended to provide for an equitable distribution of available funding.

**Timetable:**

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	07/06/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** James R. Gatter, Chief, Division of Program, Planning and Operations, Department of the



## DOI-BIA

## Completed Actions

Interior, Bureau of Indian Affairs, Room 2417 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3405

RIN: 1076-AC62

#### 1664. FACILITIES IMPROVEMENT AND REPAIR AND REPLACEMENT

**Legal Authority:** 5 USC 301; 25 USC 2; 25 USC 13; 25 USC 413; 25 USC 2005; 31 USC 9701

**CFR Citation:** 25 CFR 295

**Legal Deadline:** None

**Abstract:** The Bureau of Indian Affairs (BIA) is proposing to add a new part 295 to formalize the procedure applicable to the priority ranking process for certain facilities improvement and repair and replacement projects. This includes improvement and repair, facility component replacement, and additions and expansions of federally owned, leased, contracted or granted facilities. The priority ranking process will result in the establishment of priority listings of both Educational and non-Educational facilities improvement and repair and replacement projects for possible funding.

#### Timetable:

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	07/06/92	

Withdrawn - No further action to be taken at this time.

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John Trezise, Acting Director, Office of Construction Management, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Room 2417 MIB, Washington, DC 20240, 202 208-3405

RIN: 1076-AC63

#### 1665. COMMUNITY AND ECONOMIC DEVELOPMENT GRANT PROGRAM (CEDGP)

**Legal Authority:** 25 USC 13

**CFR Citation:** 25 CFR 287

**Legal Deadline:** None

**Abstract:** The Bureau of Indian Affairs is adding a new part to 25 CFR to provide application and approval procedures for the award of Community and Economic Development Grants to tribal governments. The purposes of the grants are to contribute to the stability of tribal governments and to set a climate for community and economic development and other activity designed to reduce tribal dependency and promote self determination.

#### Timetable:

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	07/09/92	

Withdrawn - No further action to be taken at this time.

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Patrick Hayes, Deputy to the Assistant Secretary - Indian Affairs Office of Trust & Economic Dev., Department of the

Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-5831

RIN: 1076-AC67

#### 1666. MUTUAL FUND INVESTMENT OF TRUST FUNDS

**Legal Authority:** 25 USC 151; 25 USC 305

**CFR Citation:** 25 CFR 144

**Legal Deadline:** None

**Abstract:** This proposed regulation will address the general guidelines related to the investment of tribal and individual Indian funds exceeding \$50,000. These funds are in a mutual account comprised entirely of public debt obligations of the United States or other obligations which are unconditionally guaranteed by the United States as to both principal and interest.

#### Timetable:

Action	Date	FR Cite
Withdrawn - No further action to be taken at this time.	07/08/92	

Withdrawn - No further action to be taken at this time.

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jim Parris, Director, Office of Trust Funds Management, Department of the Interior, Bureau of Indian Affairs, 505 Marquette NW., Suite 700, Albuquerque, NM 87102, 505 766-3230

RIN: 1076-AC70

BILLING CODE 4310-02-F

### DEPARTMENT OF THE INTERIOR (DOI)

### Prerule Stage

#### Minerals Management Service (MMS)

#### 1667. RESPONSIBILITIES OF LESSEES, PAYORS AND ASSIGNEES

**Legal Authority:** 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 218

**Legal Deadline:** None

**Abstract:** Responsibilities of Minerals Management Service include the collection of royalties, bonuses, rentals,

and related revenues from Federal and Indian mineral leases. These monies are, for the most part, collected from the current designated payor on the lease. However, if MMS is unable to collect from the current payor, it must pursue collections from a prior payor(s), the lessee, or an assignee of the lease. Existing regulations are unclear as to the responsibilities and liabilities of the parties involved. Therefore, MMS is proposing to amend its regulations to clarify payor, lessee, and assignee requirements and responsibilities.

#### Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165,



DOI—MMS

Prerule Stage

MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010-AB45

**1668. REQUIREMENTS FOR CRANES INSTALLED ON FIXED PLATFORMS IN THE OUTER CONTINENTAL SHELF**

**Legal Authority:** 43 USC 1334

**CFR Citation:** 30 CFR 250.20

**Legal Deadline:** None

**Abstract:** The rules at 30 CFR 250.22(c) are being evaluated to determine whether the requirements for the operation and maintenance of cranes installed on fixed platforms are adequate to promote safety on the Outer Continental Shelf. The advance NPRM will discuss current maintenance, testing, and inspection requirements contained in the regulations through incorporation by reference of the American Petroleum Institute's Recommended Practice for Operation and Maintenance of Offshore Cranes (API RP 2D). Alternative rules will be discussed in the notice. The advance NPRM will also discuss training, crane operator qualifications, and the need for certifying crane operators. The oil and gas industry and general public will be requested to comment and make recommendations concerning regulation of cranes on offshore platforms.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/92	
ANPRM	12/00/92	
Comment		
Period End		
NPRM	06/00/93	
NPRM Comment	08/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals

Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB62

**1669. ● ELECTRONIC DATA INTERCHANGE**

**Legal Authority:** 43 USC 1331 et seq

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** Regulations are being considered to amend the rules governing oil and gas and sulphur operations in the Outer Continental Shelf. The regulations would address plans to propose digital/electronic reporting requirements for well tests and for gas meter documents as part of the effort to move to electronic data interchange (EDI). The alternative is not to implement the new reporting requirements. The costs to lessees to implement these amendments are not expected to significantly increase over the costs of complying with the current program.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/92	
ANPRM	01/00/93	
Comment		
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB71

**1670. ● OIL SPILL PREVENTION AND RESPONSE FOR OFFSHORE FACILITIES INCLUDING STATE SUBMERGED LANDS AND PIPELINES**

**Significance:** Agency Priority

**Legal Authority:** 33 USC 1321; EO 12777

**CFR Citation:** 30 CFR Not yet determined

**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** Regulations are being developed to implement the authority of Minerals Management Service (MMS) under the Federal Water Pollution Control Act (FWPCA) as amended by the Oil Pollution Act of 1990. These regulations will address oil spill prevention and response in State submerged lands as well as in the Outer Continental Shelf. A nonregulatory alternative will not meet the mandate of the FWPCA as amended. The expected costs will depend on the extent to which existing practices in State and Federal waters meet the new mandated requirements. The expected benefits will be an assurance that oil spill prevention and response capability are being addressed on all facilities in both State and Federal waters.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/12/92	57 FR 36032
ANPRM	10/28/92	
Comment		
Period End		
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB81



**DEPARTMENT OF THE INTERIOR (DOI)  
Minerals Management Service (MMS)**

**Proposed Rule Stage**

**1671. AUDIT PROCEDURES AND PAYOR REQUIREMENTS AND RESPONSIBILITIES DURING AUDITS**

**Legal Authority:** 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 217

**Legal Deadline:** None

**Abstract:** The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) requires that the Secretary of the Interior establish a comprehensive inspection and auditing system to provide the capability to accurately determine royalties, interest, fines, penalties, fees, deposits, and other payments owed on Federal or Indian oil and gas leases. This responsibility has been delegated to MMS. However, performance of the required audits may be delegated to States or Indian tribes pursuant to sections 202 and 205 of FOGRMA or to independent certified public accountants under contract. The FOGRMA also requires the promulgation of regulations to establish audit standards and procedures, payor requirements and responsibilities, and authorities and responsibilities which may be delegated by MMS to a State, Indian tribe, or an independent certified public accountant. The purpose of this rulemaking action is to establish the regulations required by FOGRMA.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment	06/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

**RIN:** 1010-AB44

**1672. AMENDMENT TO RULES GOVERNING INSTALLATION OF SHUTDOWN VALVES ON PIPELINES**

**Legal Authority:** 43 USC 1331 et seq

**CFR Citation:** 30 CFR 250.154

**Legal Deadline:** None

**Abstract:** The development of this notice of proposed rulemaking resulted from the recommendation of a task force that examined many contributing causes to recent fatal accidents in the North Sea and the Gulf of Mexico. The task force identified areas where changes in regulations should be considered. This action considers changes to the regulations concerning better communication among personnel, protection of pipeline risers, safe fuel storage, fire survivability of the accommodation, and the placement of shutdown valves on pipelines as a means to isolate the pressurized hydrocarbons in the pipeline from potential danger that could result from a fire or other damage to the pipeline. An alternative is to leave the rules unchanged.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/23/90	55 FR 29860
ANPRM	09/21/90	
Comment		
Period End		
NPRM	10/00/92	
NPRM Comment	12/00/92	
Period End		
Final Action	06/00/93	
Final Action	07/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB52

**1673. GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS OF THE OUTER CONTINENTAL SHELF**

**Legal Authority:** 43 USC 1331 et seq; 42 USC 4332 et seq

**CFR Citation:** 30 CFR 251

**Legal Deadline:** None

**Abstract:** This rule is revised to reflect the current requirements and practices and to conform with new or changed laws and regulations. It expands the requirements for filing notice to include all geological and geophysical research not conducted pursuant to a permit. It

clarifies that these regulations are applicable only to oil, gas, and sulphur, as all other mineral resources on the Outer Continental Shelf are covered by 30 CFR part 280. This rule will provide other pertinent information, such as current filing location addresses.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	11/00/92	
Period End		
Final Action	07/00/93	
Final Action	08/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB56

**1674. VALUATION OF GAS PRODUCTION UNDER UNITIZATION OR COMMUNITIZATION AGREEMENTS**

**Significance:** Regulatory Program

**Legal Authority:** 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 202

**Legal Deadline:** None

**Abstract:** The current gas valuation regulations provided that when the lessee of any gas lease committed to a federally approved unitization or communitization agreement does not take the full share of production under the terms of the agreement, the entitled, but not taken, production is still subject to royalty payment and reporting requirements. This rulemaking would eliminate the requirement that the actual disposition of any part of production to which a lessee was entitled but did not take governs the valuation of that part. Under the rulemaking, the regulations would be amended to allow lessees to value their entitled, but not taken, production at prices based upon information that is accessible to the lessee. This rule will



## DOI--MMS

## Proposed Rule Stage

reduce the administrative burden for payors and MMS so that there is certainty in the determination of royalty values. The adoption of these rules would not affect the requirement in Indian leases and the current regulations for the performance of major portion analyses or dual accounting.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/01/92	57 FR 23068
ANPRM	08/17/92	57 FR 31471
Comment		
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

**RIN:** 1010-AB57

**1675. ARCHAEOLOGICAL SURVEYS**

**Legal Authority:** 43 USC 1334

**CFR Citation:** 30 CFR 250.33; 30 CFR 250.34; 30 CFR 250.157

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the regulations to specifically express the authority under which Regional Directors may require archaeological resource surveys and reports. The requirements under consideration are comparable to requirements previously included in lease stipulations and are not expected to add significant costs to the lessee.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	12/00/92	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700,

381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB63

**1676. OFFSHORE PIPELINE INSPECTION AND BURIAL**

**Legal Authority:** 43 USC 1334

**CFR Citation:** 30 CFR 250.153

**Legal Deadline:** Final, Statutory, May 18, 1992.

**Abstract:** Public Law 101-599 requires that the Secretary of Transportation establish standards to ensure continued burial of offshore pipelines lying between the mean high water mark and the point where the subsurface is under 15 feet of water as measured from mean low water. The Department of the Interior has jurisdiction over gathering pipelines on Federal offshore oil and gas leases. The Minerals Management Service will promulgate burial and inspection regulations for these pipelines. As of July 1992, there were 287 platforms on Federal leases in the Gulf of Mexico that were installed in water depths of between 7 and 16 feet.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	12/00/92	
Period End		
Final Action	05/00/93	
Final Action	06/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB65

**1677. REDUCTION IN ROYALTY RATES FOR OFFSHORE OIL AND GAS LEASES**

**Legal Authority:** 43 USC 1337(a)(3)

**CFR Citation:** 30 CFR 203.50; 30 CFR 256.57

**Legal Deadline:** None

**Abstract:** Existing regulations at 30 CFR 203.50 would be amended to cross reference 30 CFR 256.57. The substance of the existing regulations would be

recodified at 30 CFR 256.57 and amended to broaden the rules to include enhanced oil recovery projects as recommended by the General Accounting Office as well as to encourage investment in economically borderline new production on existing producing leases. The rule would retain current incentives to continue production that has declined to its economic limit. The rule could result in a substantial increase in production of otherwise unrecoverable oil and gas. The alternative would be to leave the existing regulations in place.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment	12/00/92	
Period End		
Final Action	02/00/93	
Final Action	03/00/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB68

**1678. ● LIMITATIONS ON CREDIT ADJUSTMENTS SUBMITTED BY LESSEES AND OTHER ROYALTY PAYORS UNDER FEDERAL AND INDIAN MINERAL LEASES**

**Legal Authority:** 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 218

**Legal Deadline:** None

**Abstract:** Section 10 of the Outer Continental Shelf Lands Act (OCSLA), 43 USC 1339, requires that a lessee or payor under an offshore lease submit a request to Minerals Management Service (MMS) for recoupment or refund of an overpayment (credit adjustment) within 2 years of the date of the original payment. However, current law does not provide for a time limitation on credit adjustments under onshore Federal or Indian leases similar



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to that provided in the OCSLA. This rule would add a new provision entitled "Limitations on Credit Adjustments" which would restrict credit adjustments without prior authorization to payments due within 5 years before the date of the adjustments. The rule provides that MMS could authorize credit adjustments with respect to payments made more than 5 years but less than 10 years before the date of the adjustments. However, credit adjustments with respect to any payment made more than 10 years before the date of the adjustment would be prohibited.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

**RIN:** 1010-AB73

### 1679. ● COLLECTION OF ROYALTIES, INTEREST, AND OTHER AMOUNTS DUE UNDER FEDERAL AND INDIAN MINERAL LEASES BY ADMINISTRATIVE OFFSET

**Legal Authority:** 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1810 et seq

**CFR Citation:** 30 CFR 218**Legal Deadline:** None

**Abstract:** The Debt Collection Act of 1982 (DCA), 31 USC 3716, provides for a Federal Agency's exercise of administrative offset to collect claims of the United States Government. The DCA instructs each Agency to prescribe regulations before collecting a claim by administrative offset. In accordance with the requirements of the DCA, the Minerals Management Service (MMS) is proposing new regulations governing collection by administrative offset of royalties, interest, and other amounts

due under Federal and Indian oil, gas, and other mineral leases. Under this rule, collection by administrative offset would only be used after other attempts to collect the debt had been attempted by MMS.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

**RIN:** 1010-AB74

### 1680. ● OUTER CONTINENTAL SHELF DEEPWATER PRODUCTION

**Legal Authority:** 43 USC 1334**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** The Minerals Management Service (MMS) is proposing to amend the regulatory program by establishing new requirements for the development and production of oil and gas leases located in deepwater. The proposed requirements address the installation and operation of floating production facilities and other deepwater production facilities, extended well tests for deepwater reservoirs, oil storage, and/or offloading systems, and other associated deepwater production safety systems. This action serves to notify the public of the changes MMS is proposing and to solicit comments on the subject. The costs to lessees to implement these amendments are not expected to significantly increase over the costs of complying with the current program under 30 CFR 250.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	
NPRM Comment	08/00/93	
Period End		
Final Action	02/00/94	
Final Action	04/00/94	
Effective		

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB75

### 1681. ● OUTER CONTINENTAL SHELF OIL AND GAS UNITIZED OPERATIONS

**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** Ambiguous and inadequate language will be revised by this rulemaking so that confusion is avoided and the intent of the regulation is achieved. The alternative is not to revise the regulations. There are no costs associated with this rulemaking as no substantive changes in the rules are being undertaken. The benefits of these revisions are the removal of possibilities for misinterpretation of the regulations and the amplification and clarification of the provisions affected.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	01/00/93	
Period End		

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB76

### 1682. ● OUTER CONTINENTAL SHELF OIL AND GAS PRODUCTION RATES AND PRODUCTION MEASUREMENT

**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** These revisions comprise some 15 minor changes and amendments to the regulations governing production rates and production measurement. The changes are being made to correct and alleviate



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several problems such as ambiguous language resulting in erroneous and undesirable interpretation, incorrect and outdated references, absence of provisions inadvertently dropped in previous revisions and the need to improve operational safety by adding minor requirements. The alternative is not to revise the regulations. Potential benefits include improved safety and environmental conditions, elimination of ambiguous provisions and correction of erroneous references.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	
NPRM Comment	01/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 220070, 703 787-1600

**RIN:** 1010-AB77

### 1683. ● OUTER CONTINENTAL SHELF MINERALS AND RIGHTS-OF-WAY MANAGEMENT, GENERAL

**Legal Authority:** 43 USC 1334; 43 USC 1337

**CFR Citation:** 30 CFR 250; 30 CFR 256

**Legal Deadline:** None

**Abstract:** This rule would regulate unitization across the State and Federal jurisdictional boundary (revision of 8(g) of the Outer Continental Shelf Lands Act (OCSLA)) of the Consolidated Omnibus Budget Reconciliation Act of April 8, 1986. The rule would also revise the rules for prevention of waste caused by unrestrained competitive development (section 5(j) of the OCSLA). Revisions of parts 250 and 256 to implement sections 5(j) and 8(g) will not result in substantial increases in costs to industry. Successful completion of these revisions will clarify the questions raised as to the ramifications of these legislative actions. Nonaction will only continue the confusion regarding the ramifications of the mandate in section 5(j).

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	04/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB79

### 1684. ● PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

**Legal Authority:** 43 USC 1331 et seq; 42 USC 4332 et seq

**CFR Citation:** 30 CFR 280

**Legal Deadline:** None

**Abstract:** The rule would revise regulations governing prelease activities for minerals other than oil and gas to make modifications similar to those being proposed for oil and gas activities. These changes would include requiring a notice for geological and geophysical scientific research activities and modifying proprietary terms for geophysical data and information and permit terms. The alternative is not to change the present requirements. The costs to those conducting prelease activities are not expected to significantly increase over the costs of complying with the current requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	01/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB80

### 1685. ● AMENDMENT OF REGULATIONS GOVERNING ASSESSMENTS FOR INCORRECT REPORTS

**Significance:** Agency Priority

**Legal Authority:** 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 218; 30 CFR 218

**Legal Deadline:** None

**Abstract:** 30 CFR 218.40(b) and 218.40(b) authorize the Minerals Management Service (MMS) to assess an amount not to exceed \$10 for each report received by the designated due date but which is incorrectly completed. The reports subject to this assessment are required to be submitted to MMS by royalty payors, lease operators, lessees, or other parties in accordance with statutes, regulations, contracts, orders, or terms of Federal or Indian mineral leases. The MMS regulations do not provide for an assessment for incorrect reports if the incorrect report is received after its designated due date. However, the administrative costs incurred by MMS to research and resolve reporting errors are identical whether or not the report is received timely or late. So that MMS may be compensated for all administrative costs incurred due to reporting errors, MMS is amending sections 218.40(b) and 218.40(b) to include as assessable, all reports that are submitted incorrectly regardless of whether or not the report was received by the designated due date or was received late.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	01/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 291-3058

**RIN:** 1010-AB82



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**1686. ● AMENDMENT OF REGULATIONS GOVERNING LATE PAYMENT INTEREST CHARGES ON SOLID MINERALS AND GEOTHERMAL RESOURCES LEASES**

**Legal Authority:** 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 218

**Legal Deadline:** None

**Abstract:** Section 218.54 of 30 CFR of the MMS regulations provides for late-payment interest charges on oil and gas late royalty payments based on the rate applicable under section 6621 of the Internal Revenue Code, 26 U.S.C. 6621(a)(2) (Supp. 1987). However, MMS regulations applicable to solid minerals and geothermal resources late royalty payments provide for late payment interest charges based on the lower rate prescribed by the Department of the Treasury as the "Treasury Current Value of Funds Rate." The MMS is amending its solid minerals and geothermal resources regulations to provide for the higher interest rate authorized by section 6621 of the

Internal Revenue Code. This rule amendment will provide for consistency in MMS regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment	01/00/93	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

**RIN:** 1010-AB63

**1687. ● DOCUMENTS INCORPORATED BY REFERENCE**

**Legal Authority:** 43 USC 1334

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** MMS currently incorporates by reference 68 documents that describe recommended practices or design criteria that must be followed in conducting specific offshore operations.

Many of these incorporated documents have been revised and replaced with new editions; therefore, MMS needs to update the offshore operating regulations by incorporation of new editions of documents to those incorporated by reference. Most new editions reviewed would be adopted; however, in some cases it may no longer be necessary to incorporate a specific document into the regulations. The costs to lessees to implement these amendments are not expected to significantly increase over the costs of complying with the current program under 30 CFR 250.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment	03/00/93	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1602

**RIN:** 1010-AB85

## DEPARTMENT OF THE INTERIOR (DOI)

## Final Rule Stage

## Minerals Management Service (MMS)

**1688. AMENDMENT OF VALUATION BENCHMARKS IN GAS REGULATIONS**

**Significance:** Regulatory Program

**Legal Authority:** 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 206

**Legal Deadline:** None

**Abstract:** The existing regulations provide for the valuation of unprocessed gas, residue gas, or any gas plant product which is not sold pursuant to an arm's-length contract to be determined in accordance with a benchmark method. In the final regulations, MMS adopted as the first benchmark the lessee's gross proceeds received under its non-arm's-length transaction if they were equivalent to

the gross proceeds received under comparable arm's-length contracts for like-quality production in the same field or area. The criteria to be considered in defining comparable contracts were also outlined. However, since the adoption of the revised regulations, numerous questions have been raised as to the interpretation of the first benchmark. These questions have identified the need to further clarify MMS's intention in this regard.

**Timetable:**

Action	Date	FR Cite
NPRM	12/12/91	56 FR 64724
Comment Period	01/09/92	57 FR 865
Extended to	02/14/92	
NPRM Comment	02/14/92	57 FR 865
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

**RIN:** 1010-AB29

**1689. CLARIFICATION OF DATA FOR RELEASE TO THE PUBLIC OF CERTAIN DATA AND INFORMATION SUBMITTED IN ASSOCIATION WITH DRILLING AND PRODUCTION OPERATIONS**

**Legal Authority:** 43 USC 1334

**CFR Citation:** 30 CFR 250.18

**Legal Deadline:** None

**Abstract:** The rule is intended to remove apparent inconsistencies in current regulations concerning the release of data and information



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submitted to MMS on certain MMS forms. Section 250.18 specifies periods of time that certain geological and geophysical data will be protected from disclosure to the public when submitted on specific forms. The alternatives of providing guidance through an OCS order or through a Notice to Lessees and Operators on a region-to-region basis fail to ensure that information is uniformly available to the public. This rulemaking does not involve any significant additional costs. Its benefits are the removal of ambiguity in the current regulations and the clear identification of items of data and information that are made available for public information.

**Timetable:**

Action	Date	FR Cite
NPRM	08/04/89	54 FR 32316
NPRM Comment Period End	10/03/89	54 FR 32316
Further Notice of Proposed Rulemaking	06/18/91	56 FR 27929
Final Action	10/00/92	
Final Action Effective	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB34

### 1690. ASSESSMENT FOR FAILURE TO SUBMIT PAYMENT OF SAME AMOUNT WITH REPORT OR BILL OR TO PROVIDE ADEQUATE INFORMATION

**Legal Authority:** 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq.

**CFR Citation:** 30 CFR 218**Legal Deadline:** None

**Abstract:** The MMS Auditing and Financial System (AFS) matches and applies each payment received to its corresponding report or bill. If a payment cannot be automatically matched and applied by the AFS because of inadequate or erroneous information, it must be manually

matched and applied by MMS personnel. The manual matching of payments to reports and bills results in MMS incurring substantial costs so that the AFS can operate properly to account for and distribute royalties. This situation also delays the payment application process and can result in delay in distribution of royalties and related information to States and Indian Tribes and allottees. To recover the costs, MMS is proposing to amend its regulations to add a new assessment amount not to exceed \$250 per incident. The new assessment would encourage payors to submit their payment, when required, together with the applicable report or copy of the bill and for the same amount as the report or bill. The new assessment would also encourage payors to adequately identify payments to the report or bill to be paid.

**Timetable:**

Action	Date	FR Cite
NPRM	03/22/90	55 FR 10630
NPRM Comment Period End	05/21/90	55 FR 10630
Final Action	03/00/93	Y

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

RIN: 1010-AB35

### 1691. AMENDMENT TO THE REGULATIONS CONCERNING THE REQUIREMENT FOR SUBMISSION OF A CORPORATE SURETY BOND TO INDEMNIFY THE U.S. FROM DEFAULT BY A LESSEE ON THE CONDITIONS AND TERMS OF AN OCS LEASE

**Legal Authority:** 43 USC 1335**CFR Citation:** 30 CFR 258**Legal Deadline:** None

**Abstract:** This rulemaking would amend current regulations requiring lessee surety bonds. The monetary value of surety bonds designated in current regulations was established over 20 years ago and is seriously inadequate to protect the Government from loss due to lessee failure to meet the terms of the OCS lease for royalty payments, proper abandonment of

wells, site cleanup, and ongoing lease operations. Bond requirements may be increased on a case-by-case basis, as an alternative to rule change. This might result in inconsistent requirements. The potential costs are whatever increase is incurred in obtaining a higher value bond. Benefits would be a reduced potential for Government loss and a greater protection of the public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/90	55 FR 2388
NPRM Comment Period End	03/26/90	55 FR 2388
Final Action	11/00/92	
Final Action Effective	02/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB38

### 1692. REGULATIONS GOVERNING RECOUPMENT OF OVERPAYMENTS ON INDIAN LEASES

**Legal Authority:** 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 218**Legal Deadline:** None

**Abstract:** Because royalty payments are a major source of income to many Indian allottees, and the only source in some instances, it has been a longstanding Department of the Interior policy that overpayments made by lessees and other royalty payors to Indians cannot be recovered by refund. This policy was established to prevent an undue financial burden on Indian allottees who may have limited financial means to refund the overpayment. However, the adopted policy permits lessees and payors to recoup overpayments as a credit against future rental or royalty accruals due to Indian tribes or allottees. Lessees and operators were instructed to follow this recoupment policy in



"Notice to Lessees and Operators of Indian Oil and Gas Leases No. 1A" (NTL-1A), issued by the Conservation Division of U.S. Geological Survey in 1977. The MMS published revised final oil and gas product valuation regulations at 30 CFR part 206 on January 15, 1988 (53 FR 1184 and 53 FR 1230), effective March 1, 1988. Section 206.150(e)(2) of the revised regulations terminated NTL-1A. Although the Indian lease overpayment recoupment policy has been the same for many years, MMS believes that its (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	01/31/90	55 FR 3232
NPRM Comment Period End	03/02/90	55 FR 3232
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: regulations should state the policy. Consequently, MMS proposes to add new sections at 30 CFR 218.53 (previously reserved) and 30 CFR 218.203 to codify the policy and procedure.

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

**RIN:** 1010-AB40

**1693. EXTENSION OF TIME PERIOD FOR MAINTAINING RECORDS ON OUTER CONTINENTAL SHELF NET PROFIT SHARE OIL AND GAS LEASES**

**Legal Authority:** 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 220

**Legal Deadline:** None

**Abstract:** There is a conflict in MMS regulations at 30 CFR 220.030 with the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) as to the time period that an offshore net profit share lessee (NPSL) must maintain records and all other documentation pertaining to the NPSL capital account. Therefore, MMS is

proposing to amend 30 CFR 250.030 to extend the time period to 6 years, from 36 months, consistent with the statutory requirement of FOGRMA. The MMS is also proposing to remove 30 CFR 220.033 which includes language that conflicts with the recordkeeping requirements of FOGRMA and MMS regulations at 30 CFR 212.50 and 212.51.

**Timetable:**

Action	Date	FR Cite
NPRM	06/07/90	55 FR 23248
NPRM Comment Period End	07/09/90	55 FR 23248
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

**RIN:** 1010-AB46

**1694. AMENDMENTS TO 30 CFR 250.67—HYDROGEN SULFIDE**

**Legal Authority:** 43 USC 1334

**CFR Citation:** 30 CFR 250.67

**Legal Deadline:** None

**Abstract:** The rules for Hydrogen Sulfide are being amended to revise the requirements for visual and audible warning systems, personnel protection, hydrogen sulfide (H2S) and sulphur dioxide (SO2) detection and monitoring, and the criteria for the activation of visual and audible warning systems. These amendments are necessary to be consistent with the new personnel exposure limits for H2S and SO2 established by the Occupational Safety and Health Administration. Amending the rule would reduce personnel exposure limits, thereby decreasing the risks associated with hazardous environments. An NPRM was published in the Federal Register on August 15, 1990 (55 FR 33326), soliciting comments. The comments received were reviewed and revisions were written. Due to the extensive nature of the revisions, a decision was made to repropose the rule soliciting further comments. The costs to lessees to implement these amendments are not expected to significantly increase over the costs of complying with the current program.

**Timetable:**

Action	Date	FR Cite
NPRM	08/15/90	55 FR 33326
NPRM Comment Period End	10/15/90	55 FR 33326
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB50

**1695. OFFSETTING ROYALTY UNDERPAYMENTS AND OVERPAYMENTS BETWEEN DIFFERENT FEDERAL OR INDIAN LEASES (CROSS-LEASE NETTING)**

**Legal Authority:** 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 218; 30 CFR 230

**Legal Deadline:** None

**Abstract:** It is MMS's current practice to only allow the offsetting of underpayments and overpayments within an individual lease and not between leases unless both of the leases are included in the same unitization or communitization agreement. However, it may not be appropriate, in certain cases of obvious payor reporting errors, for MMS to assess late payment interest charges or deny a request for refund of an overpayment on a Federal offshore lease which is subject to the filing and reporting requirements of section 10 of the Outer Continental Shelf Lands Act, 43 USC 1339. This rulemaking would amend MMS regulations to allow payors to offset royalty underpayments on one lease against overpayments on a different lease (referred to as cross-lease netting) in certain cases where reporting errors do not result in harm to the royalty recipients. The rule specifies the conditions that must be met before MMS would allow cross-lease netting.



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**Timetable:**

Action	Date	FR Cite
NPRM	07/12/91	56 FR 31891
NPRM Comment Period End	09/10/91	
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

**RIN:** 1010-AB58

### 1696. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, REPORTING FORMS

**Legal Authority:** 43 USC 1334**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** This final rule amends Minerals Management Service (MMS) regulations at 30 CFR part 250 that govern Outer Continental Shelf (OCS) reporting forms used for collecting information related to oil and gas and sulphur drilling and production in the OCS. The current OCS reporting forms are being updated and modernized as part of the effort to reduce the paperwork and respondent burden imposed on the public as required by the Paperwork Reduction Act of 1980 (Pub. L. 96-511, 44 USC 3501 et seq.). These revisions are a result of an analysis by an MMS task force and comments received from industry in response to several Federal Register notices published in August 1990 on the proposed forms. These changes will enable MMS to process the data submitted by industry more efficiently, reduce the reporting requirements for industry, and establish a consistent format and syntax to facilitate submission of information by electronic data transmission.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:**

Undetermined

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB66

### 1697. ● ELIMINATION OF FORM MMS-4014

**Legal Authority:** 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 206; 30 CFR 210; 30 CFR 218**Legal Deadline:** None

**Abstract:** The Minerals Management Service (MMS) is continually reviewing its operations relative to the collection and disbursement of royalties and other revenues from Federal and Indian mineral leases for improvements that can be made to improve efficiency. As a result of this ongoing process, MMS has revised its Form MMS-2014 (Report of Sales and Royalty Remittance) to provide for the reporting thereon of all sales and royalty information from any type of Federal or Indian mineral lease. Federal and Indian mineral leases include oil and gas leases, geothermal resources leases, and solid minerals leases. Therefore, MMS is amending its regulations to remove all references to Form MMS-4014 because that form will no longer be used after the effective date of this final rule. The consolidation of all payors reporting requirements on the revised Form MMS-2014 will simplify reporting requirements on the part of the payor and improve the efficiency of MMS' collection process.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty

Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

**RIN:** 1010-AB72

### 1698. ● REDESIGNATION OF FINANCIAL RESPONSIBILITY CERTIFICATION FUNCTIONS

**Legal Authority:** PL 101-380; EO 12777**CFR Citation:** 30 CFR 253 (New)**Legal Deadline:** None

**Abstract:** The Oil Pollution Act of 1990 (OPA) and its implementing Executive Order 12777 assigned offshore financial responsibility certification functions from the U.S. Coast Guard (USCG) to the Minerals Management Service (MMS). The existing financial responsibility regulations in 33 CFR 135 are being transferred to MMS' regulations and redesignated as 30 CFR 253. This action will result in no substantive change to the regulatory requirements at this time (i.e., the \$35 million level of financial responsibility that exists in the regulations is retained). Rulemaking at a later date will address the new financial responsibility requirements set in the OPA.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

**RIN:** 1010-AB78

### 1699. ● AMENDMENT OF PRODUCTION ACCOUNTING REGULATIONS

**Legal Authority:** 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 48 USC 1801 et seq

**CFR Citation:** 30 CFR 216**Legal Deadline:** None



## DOI—MMS

## Final Rule Stage

**Abstract:** On May 9, 1988, the Minerals Management Service (MMS) published a Notice of Final Rulemaking in the Federal Register (53 FR 18408) to amend its regulations to provide for lease operators to report onshore production data to MMS as a result of the transfer of accounting responsibility from the Bureau of Land Management (BLM). The transfer of responsibility from BLM to MMS has been completed. The MMS has also completed installation of a new computer system. As a result, certain sections of 30 CFR Part 216

relative to reporting requirements require amendment. The amendments are administrative changes only and will result in a reduction of operator reporting burden by the elimination of certain reporting forms. The amendments also clarify existing operator responsibilities for reporting operations information to MMS.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

**RIN:** 1010-AB84

## DEPARTMENT OF THE INTERIOR (DOI)

## Completed Actions

## Minerals Management Service (MMS)

**1700. REVISION OF REGULATION GOVERNING EFFECTIVENESS OF DECISIONS AND ORDERS PENDING APPEAL**

**Legal Authority:** 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq; 5 USC 301 et seq

**CFR Citation:** 30 CFR 243

**Legal Deadline:** None

**Abstract:** The MMS regulations at 30 CFR 243.2 address the effectiveness of its Royalty Management Program decisions and orders pending administrative appeal. At the time the rule was issued in 1984, it was MMS's interpretation that most decisions and orders would not be suspended pending appeal. However, in 1986, the Interior Board of Land Appeals (IBLA) determined that unless there were special circumstances, the Director, MMS, was required to stay effectiveness of decisions and orders pending appeal provided the appellant posted adequate surety (Marathon Oil Company, 90 IBLA 236 (1986)). In view of the IBLA decision, an amendment is needed to MMS regulations at 30 CFR 243.2 to reflect clearly that MMS decisions and orders are stayed pending administrative appeal, the

types of sureties which would be acceptable to MMS, and related issues.

**Timetable:**

Action	Date	FR Cite
NPRM	02/23/90	55 FR 6401
NPRM Comment Period End	05/24/90	55 FR 12386
Final Action	09/30/92	57 FR 44991
Final Action Effective	09/30/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

**RIN:** 1010-AB13

**1701. DISCLOSURE OF ESTIMATED PUBLIC REPORTING BURDEN FOR THE COLLECTION OF INFORMATION**

**Legal Authority:** 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 206; 30 CFR 207; 30 CFR 208; 30 CFR 210; 30 CFR 216; 30

CFR 218; 30 CFR 219; 30 CFR 220; 30 CFR 228

**Legal Deadline:** None

**Abstract:** The Minerals Management Service (MMS) is amending its regulations to codify statements on estimated public reporting burden associated with the collection of information in accordance with the requirements of the Office of Management and Budget in its regulations at 5 CFR 1320.21, "Agency Disclosure of Estimated Burden." The MMS is also amending its regulations to reflect the current MMS mailing addresses to be used for mailing or delivering requests, forms, and/or payments to MMS.

**Timetable:**

Action	Date	FR Cite
Final Action	09/14/92	57 FR 41862
Final Action Effective	09/14/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3910, Denver, CO 80225-0165, 303 231-3432

**RIN:** 1010-AB69

**BILLING CODE** 4310-MR-F



## DEPARTMENT OF THE INTERIOR (DOI)

## Proposed Rule Stage

## Office of Surface Mining Reclamation and Enforcement (OSMRE)

**1702. FEDERAL REGULATORY PROGRAMS; PERMIT APPLICATION FEES**

**Legal Authority:** 30 USC 1201 et seq; PL 100-34

**CFR Citation:** 30 CFR 736; 30 CFR 740; 30 CFR 750

**Legal Deadline:** None

**Abstract:** In response to comments received concerning the rulemaking under RIN 1029-AB15, OSMRE will conduct a study of possible fees for permit revisions, renewals, and certain other permitting-related activities in the coming year and intends to propose further rulemaking where the results of that study indicate that such fees are justified and that fee collection would be administratively feasible.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2651

**RIN:** 1029-AB29

**1703. WETLANDS RULE**

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 701; 30 CFR 816; 30 CFR 817

**Legal Deadline:** None

**Abstract:** This rule will add a definition of "wetland" and would establish standards for wetland success.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Ten Parkway Center, Pittsburgh, PA 15220, 412 937-2858

**RIN:** 1029-AB47

**1704. WIRE TRANSFER OF FEES**

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 870

**Legal Deadline:** None

**Abstract:** The proposed rule would lower the threshold for requiring the payment of abandoned mine land reclamation fees by electronic transfer from \$100,000 to \$25,000. The proposed rule will increase the number of payments received by electronic transfer and reduce the float time for such payments.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Delleane McKenzie, Accountant, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave NW., Washington, DC 20240, 202 208-2560

**RIN:** 1029-AB50

**1705. LAND USE INFORMATION RULE**

**Legal Authority:** 30 USC 1201

**CFR Citation:** 30 CFR 779; 30 CFR 783; 30 CFR 784; 30 CFR 780

**Legal Deadline:** None

**Abstract:** OSM proposes to either delete or restructure sections of its rules to reduce the burden of collecting excessive information. The provisions to be deleted or restructured pertain to mapping and identification of vegetative communities, previous mining in the permit area, slope measurements, and grazing management plans for post-mining land use. All of the information is deemed duplicative of other information collection requirements in the regulations or else is not needed.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Archana K. Puri, Civil Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave

NW., Washington, DC 20240, 202 343-3871

**RIN:** 1029-AB57

**1706. REMOVAL OF PARTS 718 AND 720**

**Legal Authority:** 30 USC 1201

**CFR Citation:** 30 CFR 718; 30 CFR 720

**Legal Deadline:** None

**Abstract:** OSM proposes to remove parts 718 and 720 of the Initial Program regulation because they have been superseded by the Permanent Program regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/11/92	57 FR 35960
NPRM Comment	10/13/92	
Period End		
Final Action	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Daniel E. Stocker, Inspection and Enforcement Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave NW., Washington, DC 20240, 202 208-2550

**RIN:** 1029-AB58

**1707. SURFACE COAL MINING AND RECLAMATION OPERATIONS: INITIAL AND PERMANENT REGULATORY PROGRAMS; ABANDONED SITES**

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 840.11; 30 CFR 842.11

**Legal Deadline:** None

**Abstract:** The rule would establish criteria for defining a site as "abandoned." Once a site met this definition, it would be eligible for an inspection frequency less than that required under SMCRA for non-abandoned sites. These changes would allow better use of inspection resources.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined



## DOI-OSMRE

## Proposed Rule Stage

**Agency Contact:** Daniel Stocker, Chief, Branch of Inspection and Enforcement, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., MS-Rm 110, Washington, DC 20240, 202 208-2550

**RIN:** 1029-AB60

**1708. ● SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAMS; PERFORMANCE BONDS; ALTERNATIVE BONDING SYSTEMS**

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 800.11

**Legal Deadline:** None

**Abstract:** The Office of Surface Mining Reclamation and Enforcement will propose a rule which adds two new components to existing bonding requirements. First, the rules will be amended to require that alternative bonding systems (ABS) remain liable for the generation of income or that an alternative system be established to satisfy existing forfeitures and liabilities covered by the ABS, in the event the ABS is terminated. Second in the event of a Section 733 action, the ABS fund and all supporting legal documents must be transferable to the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

NPRM 10/00/92

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Richard Lord, Program Analyst, Division of Technical Services, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 5111-L, Washington, DC 20240, 202 343-1480

**RIN:** 1029-AB61

**1709. ● TRANSFER OF PERMIT RIGHTS; SUCCESSOR IN INTEREST; OWNERSHIP AND CONTROL; PERMIT INFORMATION AND THE APPLICANT/VIOLATOR SYSTEM; CIVIL PENALTIES; STATEMENT OF INTERESTS**

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 701; 30 CFR 773; 30 CFR 774; 30 CFR 778; 30 CFR 823

**Legal Deadline:** None

**Abstract:** The Office of Surface Mining Reclamation and Enforcement proposes to establish new regulations and amend existing provisions to clarify the role of the Applicant/Violator System (AVS) in the permit application process; amend the definitions of ownership and control and of transfer, assignment or sale of permit right; establish procedures for successor in interest; revise requirements for information to be submitted as part of the permit application process; and eliminate certain civil penalties as a basis for a permit block for owners and controllers of violators.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

NPRM 12/00/92

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Annetta Cheek, Chief, Applicant/Violator System Office, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 7424 MIB, Washington, DC 20240, 202 208-4654

**RIN:** 1029-AB62

**1710. ● PROTECTION OF HISTORIC PROPERTIES FROM SURFACE COAL MINING OPERATIONS**

**Significance:** Agency Priority

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 731; 30 CFR 732; 30 CFR 761; 30 CFR 772; 30 CFR 773; 30 CFR 779; 30 CFR 780; 30 CFR 783; 30 CFR 784

**Legal Deadline:** None

**Abstract:** The Office of Surface Mining Reclamation and Enforcement's (OSM) regulations concerning the protection of historic properties from surface coal mining operations, promulgated on February 10, 1987, were remanded by the DC District Court on October 7, 1991, for failure to comply with the National Historic Preservation Act (NHPA). The Court held that the rules were based on the incorrect premise that the State permitting actions are not Federal undertakings and remanded the matter to the Secretary of the Interior to

bring OSM into compliance with NHPA. OSM must now propose new or amended rules to implement the court decision.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

NPRM 02/00/93

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Suzy Hudak, Policy Analyst, Branch of Federal and Indian Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., MS-Rm 110, Washington, DC 20240, 202 208-2700

**RIN:** 1029-AB63

**1711. ● REGULATION OF IMPOUNDMENTS**

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 816; 30 CFR 817; 30 CFR 780; 30 CFR 784

**Legal Deadline:** None

**Abstract:** This rule would consolidate Office of Surface Mining Reclamation and Enforcement's and Mining Safety and Health Administration's rules covering the design, construction, inspection, and removal of impoundments thereby providing a uniform set of criteria for all coal mining operations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

NPRM 03/00/93

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State

**Agency Contact:** Robert Wiles, General Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Division of Technical Services, 1951 Constitution Ave. NW., Washington, DC 20240, 202 343-1502

**RIN:** 1029-AB64

**1712. ● REGULATION OF INDIAN LANDS**

**Significance:** Agency Priority

**Legal Authority:** 30 USC 1201 et seq; 30 USC 181 et seq

**CFR Citation:** 30 CFR 710.11; 30 CFR 750.16



DOI—OSMRE

Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** This rule would allow coal operators to comply with either the interim program performance standards or the permanent program performance standards on Indian lands currently required under Office of Surface Mining Reclamation and Enforcement rules.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Billie E. Clark, Chief, Federal and Indian Permitting Branch, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Brooks Towers, 1020 15th Street, Denver, CO 800202, 303 844-2829

**RIN:** 1029-AB65

**1713. ● REVEGETATION PERFORMANCE STANDARDS**

**Significance:** Agency Priority

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 816; 30 CFR 817

**Legal Deadline:** None

**Abstract:** This rule would revise the national performance standards used to measure the success of revegetating lands reclaimed after coal mining.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State

**Agency Contact:** J. Scott Boyce, Environmental Protection Specialist,

Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Division of Technical Services, 1951 Constitution Ave. NW., Washington, DC 20240, 202 343-1514

**RIN:** 1029-AB66

**1714. ● ENFORCEMENT OF EFFLUENT LIMITS**

**Significance:** Agency Priority

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 816.42

**Legal Deadline:** None

**Abstract:** This rule would address the duplication between Office of Surface Mining Reclamation and Enforcement's rules and the requirements that apply to coal mining operations through the Environmental Protection Agency's rules.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State

**Agency Contact:** Douglas Growitz, Hydrologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Division of Technical Services, 1951 Constitution Ave. NW., Washington, DC 20240, 202 343-1507

**RIN:** 1029-AB67

**1715. ● BASIS FOR COAL WEIGHT DETERMINATION**

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 870

**Legal Deadline:** None

**Abstract:** Some processors purchase raw coal from operators on an estimated clean coal basis. The Office of Surface Mining Reclamation and Enforcement's rules require reclamation fee payment on the actual gross weight of the clean or raw coal at the time of sale, transfer or use. Records required to document the basis of a coal sale are not clearly defined. Legislative changes provide OSM the authority to audit coal preparation plants, tipples and loading facilities. Records a person operating a coal preparation plant must maintain on coal purchases are not specified in regulation. A person operating a preparation plant is not liable for fee payment on coal sales that exceed purchases. This rule would allow an operator who sells coal to a processor, who actually cleans the coal, to pay fees on the same basis on which the operator is paid by the processor. The person who operates a coal preparation plant would be liable for reclamation fee payment on all coal sold that exceeds coal purchased. Records to be maintained to document the basis for coal sales would be defined in regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jane R. Robinson, Program Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 343-2862

**RIN:** 1029-AB68

**DEPARTMENT OF THE INTERIOR (DOI)**

Final Rule Stage

**Office of Surface Mining Reclamation and Enforcement (OSMRE)**

**1716. PERMANENT PROGRAM PERFORMANCE STANDARDS; HIGHWALL POLICY**

**Legal Authority:** 30 USC 1201 et seq; PL 100-34

**CFR Citation:** 30 CFR 845.15; 30 CFR 846.12

**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 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).

**Timetable:**

Action	Date	FR Cite
NPRM	10/29/87	52 FR 41666
NPRM Comment	01/07/88	52 FR 41666
Period End		
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal



DOI-OSMRE

Final Rule Stage

**Agency Contact:** Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 202 343-1504

**RIN:** 1029-AB10

### 1717. REQUIREMENTS FOR COAL EXPLORATION

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 772

**Legal Deadline:** None

**Abstract:** OSM is proposing to amend 30 CFR part 772 to ensure that exploration permits will not be issued to applicants with unresolved violations of SMCRA and other applicable laws or who possess a history of violations of SMCRA indicating an intent not to comply with the Act's provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/91	56 FR 32050
NPRM Comment Period End	09/10/91	
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 202 203-2860

**RIN:** 1029-AB32

### 1718. STANDARDS FOR REVIEW OF OWNERSHIP, CONTROL, AND VIOLATION INFORMATION

**Significance:** Agency Priority

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 773; 30 CFR 774; 30 CFR 843

**Legal Deadline:** NPRM, Judicial. NPRM due 180 days from effective date of settlement agreed to in "Save Our Cumberland Mountains, Inc., et al., and Manuel Lujan, Jr., Secretary, US Department of the Interior, et al."

**Abstract:** The proposed rule will establish standards for review and rebuttal of presumptions regarding ownership and control relationships

between permit applicants and violators as well as between permittees and violators. The rule will also specify requirements for verifying whether the ownership and control information specified on a permit application is complete, require use of OSM's applicant violator computer system and other available data by regulatory authorities when conducting violation reviews and establish procedures for regulatory authorities to use in determining the status of outstanding violations. The rule will prescribe sanctions in cases where a permit applicant intentionally fails to provide complete or accurate ownership and control information. The rule will also require regulatory authorities to conduct an annual verification of certain ownership and control information for all permittees. In addition, the rule will specify measures for OSM to take should a state regulatory authority fail to implement these new requirements. Regulations which may be modified include 30 CFR 773, 774, and 843.

**Timetable:**

Action	Date	FR Cite
NPRM	09/06/91	56 FR 45780
NPRM Comment Period End	10/21/91	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Dr. Annetta Cheek, Chief, Applicant Violator System Staff, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 202 203-4421

**RIN:** 1029-AB34

### 1719. PERMANENT REGULATORY PROGRAM: BEST TECHNOLOGY CURRENTLY AVAILABLE

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 816; 30 CFR 817

**Legal Deadline:** None

**Abstract:** The requirement that all runoff from mined areas must pass through a siltation structure was suspended in compliance with a court-ordered remand. The rule will remove or reinstate suspended requirements that relate to the best technology

currently available or may consider other alternatives.

**Timetable:**

Action	Date	FR Cite
NPRM	11/13/90	55 FR 47430
NPRM Comment Period End	02/28/91	
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Douglas I. Growitz, Hydrologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Research and Technical Standards Branch, 1951 Constitution Avenue NW., Washington, DC 20240, 202 203-1507

**RIN:** 1029-AB36

### 1720. PERMANENT REGULATORY PROGRAM; PERFORMANCE STANDARDS; PERMANENT AND TEMPORARY IMPOUNDMENTS

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 816.46; 30 CFR 816.49; 30 CFR 817.46; 30 CFR 817.49

**Legal Deadline:** None

**Abstract:** The proposed rule would clarify the design precipitation requirements for impoundments that rely primarily on storage to control stormwater runoff. It would also add a hazard consideration to the criteria for determining which design precipitation event is applicable in each case for spillway design.

**Timetable:**

Action	Date	FR Cite
NPRM	06/28/91	56 FR 29774
NPRM Comment Period End	08/27/91	
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 202 343-1504

**RIN:** 1029-AB40



**721. DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS**

**Significance:** Regulatory Program  
**Legal Authority:** 30 USC 1201 et seq  
**CFR Citation:** 30 CFR 761.5  
**Legal Deadline:** None  
**Abstract:** This rule will amend the portions of the permanent program which address the circumstances which constitute valid existing rights to mine coal in areas where Congress has otherwise prohibited mining under section 522(e) of the Surface Mining Control and Reclamation Act of 1977. This revision is in response to a court decision in round III of the litigation on DSM's permanent program regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/91	56 FR 33152
NPRM Comment Period End	09/16/91	
Final Action	12/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** Federal  
**Agency Contact:** Nancy Broderick, Chief, Branch of Federal and Indian Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2553  
**RIN:** 1029-AB42

**1722. PREVIOUSLY MINED AREAS AND COAL PREPARATION PLANTS - REMAND**

**Significance:** Agency Priority  
**Legal Authority:** 30 USC 1201 et seq  
**CFR Citation:** 30 CFR 701.5; 30 CFR 827.131(a)  
**Legal Deadline:** None  
**Abstract:** This rule will amend the definition of "previously mined area" at 30 CFR 701.5 and the requirements for coal preparation plants at 30 CFR 827.13 in response to a February 12, 1990, District Court decision.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48714
NPRM Comment Period End	11/25/91	
Final Action	12/00/92	

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** State, Federal  
**Agency Contact:** Suzy Hudak, Policy Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2700  
**RIN:** 1029-AB45

**1723. ABANDONED MINE LAND RECLAMATION FUND REAUTHORIZATION**

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 870; 30 CFR 872; 30 CFR 874; 30 CFR 875; 30 CFR 876; 30 CFR 878

**Legal Deadline:** None  
**Abstract:** Pursuant to the recently enacted Abandoned Mine Reclamation Act of 1990, the regulations found at 30 CFR subchapter R require revision and amendment to reflect and implement the new provisions contained in the statute. The subject provisions address the eligibility of both coal and noncoal reclamation projects and also relate to the collection and allocation of abandoned mine land fees to eligible reclamation projects, including the Rural Abandoned Mine Program and the Small Operator Assistance Program.

**Timetable:**

Action	Date	FR Cite
NPRM	09/06/91	56 FR 45780
NPRM Comment Period End	02/21/92	
Interim Final Rule	10/00/92	
Final Action	10/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** Undetermined  
**Agency Contact:** Danny Lytton, Chief, Branch of Program Policy, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave NW., Washington, DC 20240, 202 208-2819  
**RIN:** 1029-AB49

**DEPARTMENT OF THE INTERIOR (DOI)**

**Completed Actions**

**Office of Surface Mining Reclamation and Enforcement (OSMRE)**

**1724. INDIVIDUAL CIVIL PENALTIES**

**Significance:** Agency Priority  
**Legal Authority:** 30 USC 1201 et seq  
**CFR Citation:** 30 CFR 724; 30 CFR 846  
**Legal Deadline:** NPRM, Judicial.  
 NPRM due 270 days from effective date of settlement agreement in "Save Our Cumberland Mountains, Inc., et al., and Manuel Lujan, Jr., Secretary, US Department of the Interior, et al."

**Abstract:** OSM will propose a rule to require that an individual civil penalty be proposed, and in accordance with existing regulations assessed against each officer, director, or agent of a

corporate permittee, after the officer, director, or agent has been served with a notice of potential liability for an existing violation and has not demonstrated that he or she has taken all reasonable steps to bring about the abatement of the violation by the corporate permittee.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/91	56 FR 48924
NPRM Comment Period End	11/25/91	
Withdrawn - No further action to be taken.	05/29/92	

**Small Entities Affected:** None  
**Government Levels Affected:** State, Federal  
**Agency Contact:** Daniel Stocker, Chief, Branch of Inspection and Enforcement, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 202 208-2550  
**RIN:** 1029-AB31

**1725. CESSATION OF OPERATIONS: TEMPORARY CESSATION**

**Significance:** Agency Priority



DOI—OSMRE

Completed Actions

**Legal Authority:** 30 USC 1201 et seq  
**CFR Citation:** 30 CFR 816; 30 CFR 817  
**Legal Deadline:** None

**Abstract:** This rule will clarify that a permittee must obtain approval from the regulatory authority before ceasing coal mining operations on a permit that results in the delay of contemporaneous reclamation on areas which are incidental to, or necessary to facilitate, continued mining of the remaining coal reserves. The rule will state that an application to temporarily cease mining operations may be approved if the regulatory authority finds that recoverable coal reserves remain, that the bond is adequate, and that based on pre-approval inspection, the site is in compliance with all applicable requirements, including contemporaneous reclamation, drainage control, and structure certifications. The rule will specify that temporary cessation may be approved for a period not to exceed one year, after which time the permittee may file for subsequent one year renewals.

**Timetable:**

Action	Date	FR Cite
NPRM	11/26/91	56 FR 60012
NPRM Comment Period End	01/27/92	
Withdrawn - No further action to be taken.	04/15/92	

**Small Entities Affected:** None  
**Government Levels Affected:** State, Federal

**Agency Contact:** Daniel E. Stocker, Chief, Inspection and Enforcement, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 202 208-2550

**RIN:** 1029-AB33

**1726. PERMANENT REGULATORY PROGRAM: PROCEDURES AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS; STATE PROGRAM AMENDMENTS**

**Legal Authority:** 30 USC 1201 et seq  
**CFR Citation:** 30 CFR 732.1

**Legal Deadline:** None

**Abstract:** The proposed rule would ensure that State programs for the regulation of surface coal mining and the surface effects of underground mining reflect Federal rule changes in a timely way following notice to the States of such Federal rule changes.

**Timetable:**

Action	Date	FR Cite
Withdrawn - No action to be taken.	07/16/92	

**Small Entities Affected:** None  
**Government Levels Affected:** State, Federal

**Agency Contact:** Richard Bryson, Chief, Branch of State Programs, Department of the Interior, Office of Surface Mining Reclamation and

Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 202 208-2651

**RIN:** 1029-AB38

**1727. PERMIT RIGHTS (TRANSFER, ASSIGNMENT, OR SALES)**

**Legal Authority:** 30 USC 1201  
**CFR Citation:** 30 CFR 774

**Legal Deadline:** None

**Abstract:** This rule will clarify language in the regulations regarding transfer, assignment and sale of permit rights. The rule would define what enforcement action and remedial measures to take when a successor in interest (including an operator) mines without prior written approval by the appropriate regulatory authority.

**Timetable:**

Action	Date	FR Cite
Withdrawn - Combined with RIN 1029-AB62.	07/16/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Kathy Parry, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2634

**RIN:** 1029-AB56  
**BILLING CODE** 4310-05-F

DEPARTMENT OF THE INTERIOR (DOI)  
 Bureau of Reclamation (RB)

Prerule Stage

**1728. PROCEDURE TO PROCESS AND RECOVER THE VALUE OF RIGHTS-OF-USE AND ADMINISTRATIVE COSTS INCURRED IN PERMITTING SUCH USE**

**Legal Authority:** 43 USC 387; 31 USC 483

**CFR Citation:** 43 CFR 429

**Legal Deadline:** None

**Abstract:** The existing regulations will be revised to include procedures for

issuing competitive rights-of-use, to provide for the use of forms, to provide for additional contacts with respondents, to provide for reporting requirements as a condition for issuance of rights-of-use, and to update list of addresses.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Alonzo D. Knapp, Chief, Lands and Revenues Branch, Department of the Interior, Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, Denver, CO 80225, 303 236-8503

**RIN:** 1006-AA23



**DEPARTMENT OF THE INTERIOR (DOI)**

**Proposed Rule Stage**

**Bureau of Reclamation (RB)**

**1729. RECLAMATION ACQUISITION REGULATION SYSTEM**

**Legal Authority:** 5 USC 301; 40 USC 486(c)

**CFR Citation:** 48 CFR 1400 appendix B et seq

**Legal Deadline:** None

**Abstract:** This rule will establish the Reclamation Acquisition Regulation System containing rules implementing and supplementing the Federal Acquisition Regulation and the Department of the Interior Acquisition Regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Bill Opdyke, Chief, Policy Branch, Acquisition and Assistance Division, Department of the

Interior, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225-0007, 303 236-3753

**RIN:** 1006-AA20

**1730. REGULATIONS FOR ADMINISTERING ENTITLEMENTS TO COLORADO RIVER WATER IN THE LOWER COLORADO RIVER BASIN**

**Legal Authority:** 43 USC 617; 43 USC 391; 43 USC 485; 43 USC 390; 5 USC 552; 373 US 546, Arizona v. California

**CFR Citation:** 43 CFR 415

**Legal Deadline:** None

**Abstract:** Colorado River water has been apportioned for consumptive use among water users with valid water rights within the States of Arizona, California, and Nevada. Future requests for delivery of this water are expected to exceed the amount that will be available. Formal rules will help ensure that water is put to beneficial use and that unauthorized uses are eliminated. The rules will provide a basis for the Secretary of the Interior to curtail unauthorized water use and establish a due process for water users to appeal adverse action decisions. Without formal rules and an appeals process, it is likely that the Secretary would be

unable to enforce an action to curtail unauthorized water use and be subject to legal action by valid water users for not preventing unauthorized diversions of water. The initial cost of implementing the rule is estimated at \$125,000; annual costs thereafter - \$12,000, all costs in 1991 dollars. Costs are expected to be recovered from beneficiaries.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/22/91	56 FR 16291

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dale Ensminger, Repayment Specialist, Department of the Interior, Bureau of Reclamation, P.O. Box 61470, Attn: LC-449, Boulder City, NV 89006-1470, 702 293-8536

**RIN:** 1006-AA24

**DEPARTMENT OF THE INTERIOR (DOI)**

**Final Rule Stage**

**Bureau of Reclamation (RB)**

**1731. ACREAGE LIMITATION RULES AND REGULATIONS**

**Significance:** Agency Priority

**Legal Authority:** 43 USC 390aa to 390zz-1, Reclamation Reform Act of 1982; 43 USC 371 to 600(e), The Reclamation Act of 1902; 5 USC 552

**CFR Citation:** 43 CFR 426

**Legal Deadline:** Final, Judicial, June 10, 1993.

**Abstract:** On March 10, 1992, the United States District Court for the Eastern District of California issued an order in

the Natural Resources Defense Council v. Duvall lawsuit (No. CIV-S-88-0375-LKK). The order requires, among other things, that the Bureau of Reclamation issue interim rules to implement the RRA in the Central Valley Project of California, including the preparation of an EIS. The order stipulates the rules must be issued by June 10, 1993.

**Timetable:**

Action	Date	FR Cite
Notice of Intent to Prepare EIS	05/12/92	57 FR 20288

Action	Date	FR Cite
Interim Final Rule	06/10/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Alonzo D. Knapp, Chief, Lands and Revenues Branch, Department of the Interior, Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, D-5610, Denver, CO 80225, 303 236-8503

**RIN:** 1006-AA25

**DEPARTMENT OF THE INTERIOR (DOI)**

**Completed Actions**

**Bureau of Reclamation (RB)**

**1732. ACREAGE LIMITATION RULES**

**Legal Authority:** 5 USC 552; PL 97-293, Reclamation Reform Act of 1982; PL 100-203

**CFR Citation:** 43 CFR 426

**Legal Deadline:** None

**Abstract:** Pursuant to Acreage Limitation Rules and Regulations published on April 13, 1987, a party affected by a determination from a



## DOI—RB

## Completed Actions

Regional Director could appeal the determination to the Commissioner. Since Regional Directors' determinations are often based on policies issued by the Commissioner, the potential existed for the Commissioner to become the final arbiter of his/ her own decisions. In order to better serve parties appealing Regional Director decisions, the regulations were revised to allow appellants that receive adverse Commissioner decisions to further

elevate their appeals to the Office of Hearings and Appeals.

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/90	55 FR 40687
NPRM Comment Period End	11/05/90	55 FR 40687
Final Action	09/03/91	56 FR 43553
Final Action Effective	10/03/91	56 FR 43553

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Alonzo D. Knapp, Chief, Lands and Revenues Branch, Department of the Interior, Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, D-5610, Denver, CO 80225, 303 236-8503

**RIN:** 1006-AA21

**BILLING CODE** 4310-09-F

## DEPARTMENT OF THE INTERIOR (DOI)

## Proposed Rule Stage

## Bureau of Land Management (BLM)

**1733. 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
Reproposal	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** F. Carl Barna, Division of Recreation, Cultural and Wilderness Resources, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-5355

**RIN:** 1004-AA27

**1734. 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	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Walter I. Johnson, Jr., Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8315

**RIN:** 1004-AA38

**1735. EXPLORATION ACTIVITY; OIL AND GAS LEASING; GEOTHERMAL RESOURCE LEASING-GENERAL**

**Legal Authority:** 30 USC 181 et seq; 30 USC 351 to 359; 16 USC 3101 et seq; 43 USC 1701 et seq

**CFR Citation:** 43 CFR 3100; 43 CFR 3200

**Legal Deadline:** None

**Abstract:** The rule will issue corrections and clarifications to published final rules of May 16, 1988 and June 17, 1988.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Lois Mason, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2190

**RIN:** 1004-AA97

**1736. ● 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 amend the regulations to provide for improved administration of rights-of-way under the Mineral Leasing Act.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Carl Gammon, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW (320), Washington, DC 20240, 202 653-9202

**RIN:** 1004-AA98

**1737. ● RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES**

**Legal Authority:** 16 USC 1134; 43 USC 1746; 43 USC 1740; 43 USC 1732; 43 USC 1761

**CFR Citation:** 43 CFR 2800

**Legal Deadline:** None

**Abstract:** This rule will amend the regulations to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.



DOI-BLM

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Carl Gammon, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW (320), Washington, DC 20240, 202 653-9202

RIN: 1004-AB00

**1738. 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	11/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Mike Berch, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-4200

RIN: 1004-AB10

**1739. 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 related to geothermal leasing and 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	04/00/93	

**Small Entities Affected:** None**Government Levels Affected:**

Undetermined

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

RIN: 1004-AB18

**1740. MINERALS (NONMINERAL ENTRIES ON MINERAL LANDS)****Legal Authority:** 30 USC 186; 30 USC 124**CFR Citation:** 43 CFR 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	04/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Matt Millenbach, Chief, Division of Lands and Realty, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9202

RIN: 1004-AB20

**1741. ONSHORE OIL AND GAS OPERATIONS; SPECIAL PROVISIONS; ONSHORE OIL AND GAS ORDER NO. 5—MEASUREMENT OF GAS****Legal Authority:** 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 308; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102**CFR Citation:** 43 CFR 3164.1**Legal Deadline:** None

**Abstract:** This rule will amend Onshore Oil and Gas Order No. 5 on Measurement of Gas to provide clarifications of recordkeeping and orifice meter standards, and to provide for approval by the jurisdictional Bureau of Land Management State Office of gas measurement by electronic flow computers, using an

orifice, that calculate volume using equations specified by the American Gas Association Committee Report No.3.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

RIN: 1004-AB22

**1742. SALES OF FOREST PRODUCTS; GENERAL—PREPARATION FOR SALE****Legal Authority:** 16 USC 617**CFR Citation:** 43 CFR 5400; 43 CFR 5420**Legal Deadline:** None

**Abstract:** This rule will implement the Forest Resources Conservation and Shortage Relief Act of 1990 by prohibiting the export of unprocessed timber from western Federal timber lands and direct and indirect substitution for such timber.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Bob Bierer, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8864

RIN: 1004-AB34

**1743. ONSHORE OIL AND GAS ORDER NO. 9 - WASTE PREVENTION AND BENEFICIAL USE OF OIL AND GAS****Legal Authority:** 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)**CFR Citation:** 43 CFR 3164.1; 43 CFR 3162.4; 43 CFR 3162.5; 43 CFR 3162.7-1; 43 CFR 3162.7-2; 43 CFR 3162.7-3; 43 CFR 3165.3; 43 CFR 3165.4**Legal Deadline:** None



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**Abstract:** This order is being issued under the revised oil and gas operations regulations as found in 43 CFR 3160. This order details the requirements in order to prevent wastes and promote beneficial uses of oil and gas. This order also provides the enforcement actions that will result when violations of standards occur. It also replaces NTL-4A. This order is to be referenced in the table at 43 CFR 3164.1(b).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AB47

**1744. CLASSIFICATIONS**

**Legal Authority:** 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

**CFR Citation:** 43 CFR 2400

**Legal Deadline:** None

**Abstract:** This rule will amend part 2400 to include conformance with land-use planning and environmental analysis for establishing and terminating classifications.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jim Paugh, Realty Specialist, Department of the Interior, Bureau of Land Management, 2515 Warren Ave., P.O. Box 1828, Cheyenne, WY 82003, 307 775-6113

**RIN:** 1004-AB57

**1745. VILLAGE SELECTIONS**

**Legal Authority:** 43 USC 1613

**CFR Citation:** 43 CFR 2851

**Legal Deadline:** None

**Abstract:** This rule would amend the existing regulations to allow underselected Alaska Native Village Corporations to select lands identified and made available by the Secretary

enabling them to fulfill their statutory entitlement under the Alaska Native Claims Settlement Act.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Henry Noldan, Chief, Alaska Program Staff, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-6511

**RIN:** 1004-AB58

**1746. LAW ENFORCEMENT—CRIMINAL**

**Legal Authority:** 102 Stat 4571

**CFR Citation:** 43 CFR 9260

**Legal Deadline:** None

**Abstract:** This rule will amend the penalty provision in 43 CFR 9260 to provide for the penalty called for in the Arizona-Idaho Conservation Act of 1988.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local

**Agency Contact:** Dennis McLane, Chief Ranger, Department of the Interior, Bureau of Land Management, Boise Interagency Fire Center, 3905 Vista Ave., Boise, ID 83705, 208 334-1260

**RIN:** 1004-AB67

**1747. MANAGEMENT OF DESIGNATED WILDERNESS AREA**

**Legal Authority:** 43 USC 1701 et seq; 16 USC 1131 et seq

**CFR Citation:** 43 CFR 8560

**Legal Deadline:** None

**Abstract:** This rule will amend the existing regulations to remove obsolete provisions, clarify and simplify the regulations, and add provisions on access to inholdings, rights-of-way, use of mechanized equipment by certain individuals, access by Native Americans.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Rob Hellie, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-6064

**RIN:** 1004-AB69

**1748. AVAILABILITY OF PUBLIC RECORDS**

**Legal Authority:** 43 USC 1201; 43 USC 1460; 43 USC 1734; 43 USC 1737; 5 USC 552

**CFR Citation:** 43 CFR 1814

**Legal Deadline:** None

**Abstract:** This rule will establish specific procedures for public access to Bureau of Land Management records on all media, including paper, microform, computer, and audiovisual, in order to facilitate public access. It will also provide information on fees that may be required for providing records or services.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dorothy A. Chambers, Management Analyst, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8853

**RIN:** 1004-AB70

**1749. DRAINAGE, OPERATIONS, AND LEASING OBLIGATIONS**

**Legal Authority:** 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 43 USC 1701 et seq; 25 USC 2102; 16 USC 668dd to ee; 31 USC 483a

**CFR Citation:** 43 CFR 3100.2; 43 CFR 3100.2-1; 43 CFR 3100.2-2; 43 CFR 3162.2

**Legal Deadline:** None

**Abstract:** This rule will clarify the responsibilities of fluid mineral lessees



DOI-BLM

Proposed Rule Stage

for protecting Federal-leased fluid minerals from drainage by operations on nearby lands that would result in lower royalties for Federal or Indian lessors by specifying requirements before the obligation of lessees to protect from such drainage begins, by providing a profitability threshold for lessee responsibility, by allocating burden of proof of drainage, and by specifying the responsibilities of multiple lessees and assignees. It will also clarify responsibility of the liable parties for other obligations arising from lease terms and operations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AB74

**1750. SALES - FEDERAL LAND POLICY AND MANAGEMENT ACT**

**Legal Authority:** 43 USC 1701; 43 USC 1713

**CFR Citation:** 43 CFR 2710

**Legal Deadline:** None

**Abstract:** This rule will amend 43 CFR part 2710 to provide for improved administration of sales of public land under the Federal Land Policy and Management Act.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jim Paugh, Realty Specialist, Department of the Interior, Bureau of Land Management, 2515 Warren Ave., P.O. Box 1828, Cheyenne, WY 82003, 307 785-6113

**RIN:** 1004-AB77

**1751. ONSHORE OIL AND GAS OPERATIONS: ONSHORE OIL AND GAS ORDER NO. 4 - MEASUREMENT OF OIL**

**Legal Authority:** 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

**CFR Citation:** 43 CFR 3160

**Legal Deadline:** None

**Abstract:** This rule will amend Onshore Oil and Gas Order No. 4 on Measurement of Oil to provide clarification of tank gauging sampling procedures, thermometer standards, sales meter proving requirements, oil removal documentation, and will make other minor editorial changes.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AB80

**1752. AWARD OF CONTRACT**

**Legal Authority:** 43 USC 1181e; 30 USC 601 et seq

**CFR Citation:** 43 CFR 5450

**Legal Deadline:** None

**Abstract:** This rule will require purchasers of timber with previous defaults on U.S. Forest Service timber sale contracts to establish their responsibility in the same manner required of purchasers with previous defaults on BLM timber sale contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Bob Bierer, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8864

**RIN:** 1004-AB83

**1753. PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS**

**Legal Authority:** 16 USC 1331 to 1340

**CFR Citation:** 43 CFR 4700

**Legal Deadline:** None

**Abstract:** This rule will clarify existing BLM policy on several matters, including adoption fees (they are nonrefundable) and the status of foals born to wild horses and burros after proper execution of a Private Maintenance and Care Agreement. The rule will also change the process of issuing decisions and administrative remedies and make necessary corrections in other portions of the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Bruce Dawson, Acting Chief, National Wild Horses and Burros Program, Department of the Interior, Bureau of Land Management, P.O. Box 12000, Reno, NV 89520-0006, 702 785-6583

**RIN:** 1004-AB84

**1754. CONVEYANCE OF FEDERALLY-OWNED MINERAL INTERESTS**

**Legal Authority:** 43 USC 1719; 43 USC 1740

**CFR Citation:** 43 CFR 2720

**Legal Deadline:** None

**Abstract:** This rule will clarify terminology and required procedures for the conveyance of mineral interests owned by the United States where the surface is or will be in non-Federal ownership.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Clyde Topping, Economist, Division of Minerals Policy Analysis and Economic Evaluation, Department of the Interior, Bureau of



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Proposed Rule Stage

Land Management, 1849 C Street NW., Washington, DC 20240, 202 268-4537

RIN: 1004-AB66

**1755. PUBLIC LAW 167; ACT OF JULY 23, 1955**

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 22; 30 USC 612; 43 USC 1701 et seq

**CFR Citation:** 43 CFR 3710

**Legal Deadline:** None

**Abstract:** This rule will enumerate the restrictions on use and occupancy of unpatented mining claims and mill sites on public lands.

**Timetable:**

Action	Date	FR Cite
NPRM	09/11/92	57 FR 41846
NPRM Comment Period End	11/10/92	
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Rick Deery, Division of Solid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 203-4147

RIN: 1004-AB88

**1756. GRAZING ADMINISTRATION EXCLUSIVE OF ALASKA**

**Legal Authority:** 43 USC 315; 43 USC 1701 et seq

**CFR Citation:** 43 CFR 4100

**Legal Deadline:** None

**Abstract:** This rule will clarify the public participation role in management of the public rangelands, provide authority for non-monetary settlement for unauthorized grazing use determined by the BLM to have resulted from circumstances beyond the control of the permittee or lessee, and provide for decisions to be placed in full force and effect pending appeal when necessary to assure orderly administration, management, or proper use of the rangelands.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** George Ramey, Range Conservationist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9195

RIN: 1004-AB89

**1757. LAND WITHDRAWALS**

**Legal Authority:** 43 USC 1701 et seq

**CFR Citation:** 43 CFR 2300

**Legal Deadline:** None

**Abstract:** This rule will amend the existing regulations to clarify and simplify the procedures for implementing the authority of the Secretary of the Interior to process withdrawal applications, and, where appropriate, to make, modify, or extend Federal land withdrawals.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jeff Holdren, Withdrawals Program Leader, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9202

RIN: 1004-AB94

**1758. RESTORATIONS AND REVOCATIONS**

**Legal Authority:** 43 USC 1701 et seq; 43 USC 1201; 40 USC 472

**CFR Citation:** 43 CFR 2370

**Legal Deadline:** None

**Abstract:** This rule will amend the existing regulations to improve and define more precisely the procedures for the revocation and restoration of Federal land withdrawals that are no longer needed by a Federal agency.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jeff Holdren, Withdrawals Program Leader,

Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9202

RIN: 1004-AB95

**1759. SALES OF FOREST PRODUCTS; DESIGNATION OF SURPLUS SPECIES**

**Legal Authority:** 16 USC 620 et seq

**CFR Citation:** 43 CFR 5400

**Legal Deadline:** None

**Abstract:** This rule will declare values of grades and species of unprocessed Federal timber that are surplus to domestic processing needs and that are therefore not restricted from export from the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Bob Bierer, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8864

RIN: 1004-AB96

**1760. SALES OF FOREST PRODUCTS; LAW ENFORCEMENT**

**Legal Authority:** 43 USC 1181e; 30 USC 601 et seq; 43 USC 1701 et seq; 43 USC 1201; 18 USC 1851 to 1858

**CFR Citation:** 43 CFR 5460; 43 CFR 5510; 43 CFR 9230; 43 CFR 9260

**Legal Deadline:** None

**Abstract:** This rule will amend current regulations to make them more orderly and easier to follow, and add a list of prohibited acts to the sections on forest product contracts and free use permits to provide guidance for the administration of contracts and permits and a basis for law enforcement.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Bob Bierer, Forester, Department of the Interior, Bureau of



DOI—BLM

Proposed Rule Stage

Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8864

RIN: 1004-AB97

**1761. SURFACE MANAGEMENT**

**Legal Authority:** 30 USC 22; 43 USC 1201; 43 USC 1701 et seq

**CFR Citation:** 43 CFR 3809

**Legal Deadline:** None

**Abstract:** This rule will revise the regulations used to manage surface-disturbing mining activities on public lands. Topics that may be addressed in a proposed rule are: reconsideration of the 5-acre threshold, revision of the definition of "unnecessary or undue degradation," civil and/or criminal penalties for noncompliance, administrative deadlines, and further environmental and reclamation requirements.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/23/91	56 FR 54815
ANPRM	01/03/92	
Comment Period End		
NPRM	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jennifer Fox, Geologist, Division of Solid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-4147

RIN: 1004-AB99

**1762. ● FAA AIRPORT GRANTS (43 CFR 2640)**

**Legal Authority:** 49 USC 2215

**CFR Citation:** 43 CFR 2640

**Legal Deadline:** None

**Abstract:** This rule will amend the existing regulation by providing for continued segregation after patent, and for the use of a notice of decision rather than a Notice of Realty Action, in order

to make these regulations consistent with Subpart 2091.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Jim Paugh, Realty Specialist, Department of the Interior, Bureau of Land Management, 2515 Warren Ave., P.O. Box 1828, Cheyenne, WY 82003, 307 775-6113

RIN: 1004-AC01

**1763. ● COAL MANAGEMENT: GENERAL**

**Legal Authority:** 30 USC 181 et seq

**CFR Citation:** 43 CFR 3400

**Legal Deadline:** None

**Abstract:** This rule will amend the regulations to render all decisions on coal leasing, exploration, and development in full force and effect pending the outcome of appeals to the Interior Board of Land Appeals, unless the appellant shows cause as to direct, adverse effects on himself/herself.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Carole Smith, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW (660), Washington, DC 20240, 202 208-3258

RIN: 1004-AC04

**1764. ● HARDROCK MINERALS PROSPECTING PERMITS**

**Legal Authority:** 5 USC appendix

**CFR Citation:** 43 CFR subpart 3562

**Legal Deadline:** None

**Abstract:** This rule will amend the regulations to extend the duration of prospecting permits for hardrock minerals.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Mary Linda Ponticelli, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW (660), Washington, DC 20240, 202 208-3258

RIN: 1004-AC05

**1765. ● MINERALS; COST RECOVERY**

**Legal Authority:** 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 1001 to 1025; 5 USC appendix; 30 USC 22

**CFR Citation:** 43 CFR 3100; 43 CFR 3200; 43 CFR 3400; 43 CFR 3500; 43 CFR 3600; 43 CFR 3610; 43 CFR 3700; 43 CFR 3800

**Legal Deadline:** None

**Abstract:** This rule will amend the regulations for fluid and solid leasable minerals, locatable minerals, and mineral materials to adjust current fees or establish new fees in accordance with Title V of the Independent Offices Appropriation Act of 1952 (User Charge Statute) and Office of Management and Budget Circular A-25, "User Charges."

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Mary Linda Ponticelli, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW (660), Washington, DC 20240, 202 208-3258

RIN: 1004-AC06



## DEPARTMENT OF THE INTERIOR (DOI)

Final Rule Stage

## Bureau of Land Management (BLM)

**1766. 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	01/19/90	55 FR 1837
NPRM Comment Period End	03/20/90	55 FR 1837
Final Action	12/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AA66**1767. EXCHANGES—GENERAL PROCEDURES****Legal Authority:** 43 USC 1715; 43 USC 1716; 43 USC 1732**CFR Citation:** 43 CFR 2200**Legal Deadline:** Final, Statutory, August 20, 1989.

**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	08/18/89	54 FR 34380
NPRM Comment Period End	12/01/89	54 FR 43185
Reproposal	10/02/91	56 FR 49962
NPRM Comment Period End	12/02/91	
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Local, State

**Agency Contact:** Don Simpson, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9202

**RIN:** 1004-AB28**1768. MINING CLAIMS UNDER THE GENERAL MINING LAWS****Significance:** Regulatory Program**Legal Authority:** 30 USC 22; 43 USC 1201; 43 USC 1744; 43 USC 1734; 43 USC 1740**CFR Citation:** 43 CFR 3809**Legal Deadline:** None

**Abstract:** This rule will require submission of financial guarantees for reclamation for all mining operations greater than casual use, create additional financial instruments for this purpose, and require operators with a record of noncompliance to file plans of operations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/91	56 FR 31602
NPRM Comment Period End	09/09/91	
Final Action	11/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Rick Deery, Division of Solid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-4147

**RIN:** 1004-AB36**1769. ONSHORE OIL AND GAS ORDER NO. 8 - WELL WORKOVERS, COMPLETIONS, ABANDONMENTS****Legal Authority:** 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)**CFR Citation:** 43 CFR 3160**Legal Deadline:** None

**Abstract:** This order is being issued under the Oil and Gas Operations regulations as found in 43 CFR part 3160. The order details the minimum standards of performance when conducting workover, completions, and abandonment of existing wells on Federal and Indian lands (except Osage Tribe). It also will contain enforcement actions that will result from the failure to meet the minimum standards.

**Timetable:**

Action	Date	FR Cite
NPRM	05/06/91	56 FR 20568
NPRM Comment Period End	07/26/91	
Final Action	11/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AB37**1770. COAL MANAGEMENT—GENERAL****Significance:** Regulatory Program**Legal Authority:** 30 USC 181 et seq**CFR Citation:** 43 CFR 3400**Legal Deadline:** None

**Abstract:** This rule will revise the exploration and mining operations regulations, as well as other operations-related regulations, to streamline them and to have them reflect current policy and standard industry operating practices relating to Federal coal.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/91	56 FR 32002
NPRM Comment Period End	09/10/91	
Final Action	06/00/93	
Final Action Effective	07/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Paul Politzer, Chief, Division of Solid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-7722

**RIN:** 1004-AB44**1771. LEASES, PERMITS AND EASEMENTS****Legal Authority:** 43 USC 1732; 43 USC 1740**CFR Citation:** 43 CFR 2920**Legal Deadline:** None

**Abstract:** This rule will amend the existing regulations to provide for improved administration of Leases,



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Permits and Easements under the Federal Land Policy and Management Act.

**Timetable:**

Action	Date	FR Cite
NPRM	11/21/90	55 FR 48810
NPRM Comment	01/22/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Carl Gammon, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9202

**RIN:** 1004-AB51

**1772. MINING IN MILITARY WITHDRAWALS**

**Legal Authority:** 100 Stat 3457, sec 12; 30 USC 22; 43 USC 1701 et seq

**CFR Citation:** 43 CFR 3828; 43 CFR 3811

**Legal Deadline:** None

**Abstract:** This proposed rule establishes guidelines for mining in certain military installations under the Mining Law of 1872, as amended, and for assuring the safe, uninterrupted, and unimpeded use of the lands for military purposes. The Military Lands Withdrawal Act of 1986 specifically provided for certain military lands previously withdrawn from mining to be considered for opening to the operation of the Mining Law of 1872, as amended, with certain special restrictions. Military Lands identified as suitable for mining through the Bureau of Land Management's planning system are proposed to be opened on the effective date of an opening order that will be published in the Federal Register.

**Timetable:**

Action	Date	FR Cite
NPRM	07/02/91	56 FR 30367
NPRM Comment	09/03/91	
Period End		
Final Action	10/00/92	
Final Action	11/00/92	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Reginald E. Reid, Geologist, Division of Solid Minerals,

Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-4147

**RIN:** 1004-AB52

**1773. PUBLIC AVAILABILITY OF MINERALS RESOURCES INFORMATION**

**Legal Authority:** 5 USC 552

**CFR Citation:** 43 CFR 3000

**Legal Deadline:** None

**Abstract:** This rule will remove conflicts between existing mineral regulations relating to public availability of mineral resources information and the Freedom of Information Act. The rule will also remove discrepancies among the various mineral regulations regarding public release of information.

**Timetable:**

Action	Date	FR Cite
NPRM	05/31/91	58 FR 24767
NPRM Comment	07/31/91	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dorothy Chambers, Management Analyst, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8853

**RIN:** 1004-AB55

**1774. CAVE MANAGEMENT**

**Legal Authority:** 16 USC 4301 et seq; 43 USC 1740

**CFR Citation:** 43 CFR 37

**Legal Deadline:** Final, Statutory, August 18, 1989.

**Abstract:** This rule will provide criteria to determine whether caves on Federal lands are significant and thereby to be given special attention in planning and other decisions affecting Federal lands.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/92	57 FR 1344
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Del Price, Outdoor Recreation Planner, Department of the

Interior, Bureau of Land Management, 2850 Youngfield St., Lakewood, CO 80215-7076, 303 239-3739

**RIN:** 1004-AB59

**1775. ONSHORE OIL AND GAS OPERATIONS; SPECIAL PROVISIONS; ONSHORE OIL AND GAS ORDER NO. 1 - APPROVAL OF OPERATIONS ON ONSHORE FEDERAL AND INDIAN OIL AND GAS LEASES**

**Legal Authority:** 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 308; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

**CFR Citation:** 43 CFR 3164.1

**Legal Deadline:** None

**Abstract:** This rule will amend Order No. 1 to conform to the regulations in 43 CFR 3160 and for consistency with the Federal Onshore Oil and Gas Leasing Reform Act of 1987. The rule will specify the requirements for the approval of all proposed exploratory, development, and service wells, and for approval of certain subsequent operations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/92	57 FR 32756
NPRM Comment	09/21/92	
Period End		
Final Action	02/00/93	
Final Action	03/00/93	
Effective		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AB72

**1776. ONSHORE OIL AND GAS UNIT AGREEMENTS—UNPROVEN AREAS**

**Legal Authority:** 30 USC 181 et seq

**CFR Citation:** 43 CFR 3180

**Legal Deadline:** None

**Abstract:** This rule will clarify the effective date of approval of a unit agreement, and will provide for State Director review in cases of appeals by adversely affected parties. It will also condition Federal approval of a unit



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agreement on its containing a provision for payment to the Government of compensatory royalties for oil and gas drained from unleased Federal lands located within participating areas of the unit, in order to prevent loss through drainage through adjacent non-Federal wells without compensation to the Government.

**Timetable:**

Action	Date	FR Cite
NPRM	02/04/92	57 FR 4177
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AB73

### 1777. MINERAL MATERIALS DISPOSAL

**Legal Authority:** 30 USC 801 et seq

**CFR Citation:** 43 CFR 3600

**Legal Deadline:** None

**Abstract:** This rule will improve the economies of scale of mineral materials production by providing for contracts with a longer term than the current 10 years, either a longer fixed term, or a term based on the duration of production tied to diligence requirements. It will also provide for contracts for concomitantly larger quantities of mineral materials, the quantity available at the contract site.

**Timetable:**

Action	Date	FR Cite
NPRM	01/27/92	57 FR 3092
NPRM Comment	03/27/92	
Period End		
Final Action	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Durga Rimal, Geologist, Division of Solid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-4147

**RIN:** 1004-AB76

### 1778. PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS

**Legal Authority:** 16 USC 1331 to 1340

**CFR Citation:** 43 CFR 4770

**Legal Deadline:** None

**Abstract:** The rule will allow the Secretary of the Interior to protect adopted wild horses and burros from abuse and neglect by authorizing full force and effect decisions to cancel Private Maintenance and Care Agreements when the condition of the animals warrants such action.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/09/91	56 FR 786
Interim Final Rule Comment	03/11/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Bruce Dawson, Acting Chief, National Wild Horses and Burros Program, Department of the Interior, Bureau of Land Management, P.O. Box 12000, Reno, NV 89520-0006, 702 785-6583

**RIN:** 1004-AB81

### 1779. VISITOR SERVICES: RULES OF CONDUCT

**Legal Authority:** 43 USC 1701 et seq

**CFR Citation:** 43 CFR 8365

**Legal Deadline:** None

**Abstract:** This rule will require the use of safety belts in vehicles operated on roadways on Federal lands managed by the Bureau of Land Management.

**Timetable:**

Action	Date	FR Cite
NPRM	05/30/91	56 FR 24363
NPRM Comment	07/30/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Paul V. Lynch, Chief, Safety Staff, Department of the Interior, Bureau of Land Management, 1849 C

Street NW., Washington, DC 20240, 202 653-8851

**RIN:** 1004-AB91

### 1780. FEDERAL LAND WITHDRAWALS; AMENDMENT TO WITHDRAWAL PROCEDURES

**Legal Authority:** 43 USC 1714

**CFR Citation:** 43 CFR 2310

**Legal Deadline:** None

**Abstract:** This rule will amend existing regulations by removing references to emergency withdrawals.

**Timetable:**

Action	Date	FR Cite
NPRM	11/26/91	56 FR 59914
NPRM Comment	12/26/91	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Vanessa Engle, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-6486

**RIN:** 1004-AB92

### 1781. HOMESTEADING; DESIGNATION OF AREAS AND SITES; PROGRAMS AND OBJECTIVES (ADMINISTRATIVE FINAL RULE)

**Legal Authority:** 43 USC 161 to 164; 43 USC 166 to 169; 43 USC 185; 43 USC 201; 43 USC 231; 43 USC 1201; 43 USC 1411

**CFR Citation:** 43 CFR 2510; 43 CFR 2070; 43 CFR 1720; 43 CFR 8350

**Legal Deadline:** None

**Abstract:** This rule will remove parts 2510, 2070, and 1720 and subpart 8352 of Title 43 of the Code of Federal Regulations. The authorities for these parts have all either been repealed or have expired under their own terms.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jim Paugh, Realty Specialist, Department of the Interior, Bureau of Land Management, 2515



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Warren Ave., P.O. Box 1828, Cheyenne, WY 82003, 307 775-6113  
**RIN:** 1004-AB98

**1782. ● APPEALS PROVISIONS**

**Legal Authority:** 30 USC 181 et seq; 43 USC 1701 et seq; 16 USC 3101 et seq; 30 USC 351 to 359; 31 USC 483a; 42 USC 6504; 42 USC 6508

**CFR Citation:** 43 CFR 3150; 43 CFR 3160

**Legal Deadline:** None

**Abstract:** This rule will render BLM decisions and approvals in full force and effect pending appeal.

**Timetable:**

Action	Date	FR Cite
NPRM	03/13/92	57 FR 9014
Interim Final Rule	03/13/92	57 FR 9010
NPRM Comment Period End	04/13/92	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AC02

**1783. ● SALES ADMINISTRATION**

**Significance:** Agency Priority

**Legal Authority:** 30 USC 601 et seq; 43 USC 1181e

**CFR Citation:** 43 CFR 5460

**Legal Deadline:** None

**Abstract:** This rule will provide for delay of midterm payments on timber sale contracts that are extended due to actions taken by the Federal or State governments that cause a delay in harvesting activities. The first anniversary payment and second anniversary payments may be delayed for the period of time that is granted to provide an additional amount of operating time equal to operating time that is lost due to delay caused by Federal or State governments.

anniversary payments may be delayed for the period of time that is granted to provide an additional amount of operating time equal to operating time that is lost due to delay caused by Federal or State governments.

**Timetable:**

Action	Date	FR Cite
NPRM	08/21/92	57 FR 37936
NPRM Comment Period End	09/21/92	
Final Action	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Bob Bierer, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8864

**RIN:** 1004-AC03

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

Bureau of Land Management (BLM)

**1784. 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
Withdrawn - No action anticipated at this time.	07/21/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John G. Douglas, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-3353

**RIN:** 1004-AA69

**1785. RECREATION AND PUBLIC PURPOSES: SOLID WASTE DISPOSAL**

**Significance:** Regulatory Program

**Legal Authority:** 43 USC 869 et seq; 43 USC 1701 et seq; 31 USC 9701

**CFR Citation:** 43 CFR 2740

**Legal Deadline:** None

**Abstract:** The Recreation and Public Purposes Amendment Act of 1988 (P.L. 100-648) enacted on November 10, 1988, amended the Recreation and Public Purposes Act of 1926. The regulations at 43 CFR 2740 need to be amended in order to add provisions of the new law that pertain to solid waste disposal.

**Timetable:**

Action	Date	FR Cite
NPRM	11/29/91	56 FR 61104
NPRM Comment Period End	12/30/91	
Final Action	07/23/92	57 FR 32730

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Jim Paugh, Realty Specialist, Department of the Interior, Bureau of Land Management, 2515 Warren Ave., P.O. Box 1828, Cheyenne, WY 82003, 307 775-6113

**RIN:** 1004-AA73

**1786. ONSHORE OIL AND GAS OPERATIONS; SPECIAL PROVISIONS - ONSHORE OIL AND GAS ORDER NO. 3 - SITE SECURITY**

**Legal Authority:** 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

**CFR Citation:** 43 CFR 3164.1

**Legal Deadline:** None



DOI-BLM

Completed Actions

**Abstract:** This rule will amend Onshore Oil and Gas Order No. 3 - Site Security by specifying in the operators' self-inspection program three options for operators in exercising their responsibilities in the measurement, or the monitoring of the measurement by the purchaser, of the oil or gas produced.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/15/91	56 FR 15061
ANPRM	06/14/91	
Comment		
Period End		
Withdrawn - no further action to be taken	09/30/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AB24

**1787. CONTRACT EXTENSION (TIMBER SALES)**

**Legal Authority:** 43 USC 1181e; 30 USC 601 et seq

**CFR Citation:** 43 CFR 5473; 43 CFR 5474

**Legal Deadline:** None

**Abstract:** It is necessary to amend existing regulations concerning extension of time for cutting and removal on timber sale contracts. Shorter contract terms and increased seasonal restrictions on operations have caused a problem with the reappraisal requirement for contract extensions. This regulation would allow contract extensions without reappraisal under certain conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	07/03/90	55 FR 27477
NPRM Comment	09/04/90	
Period End		
Reproposal	06/25/91	56 FR 28850
Interim Final Rule	07/23/91	56 FR 33830
Final Action	08/19/92	57 FR 37475

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Bob Bierer, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8864

**RIN:** 1004-AB58

**1788. LAW ENFORCEMENT—CRIMINAL**

**Legal Authority:** 43 USC 1701 et seq

**CFR Citation:** 43 CFR 9260

**Legal Deadline:** None

**Abstract:** This rule will prohibit individuals from harassing, threatening, giving false information to, or otherwise interfering with officers, volunteers, human resource program enrollees, or other personnel of or associated with the Bureau of Land Management.

**Timetable:**

Action	Date	FR Cite
Withdrawn - No action to be taken.	07/21/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Douglas J. Blankinship, Chief, Volunteer Programs, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 208-5261

**RIN:** 1004-AB68

**1789. ONSHORE OIL AND GAS OPERATIONS**

**Legal Authority:** 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

**CFR Citation:** 43 CFR 3163.1

**Legal Deadline:** None

**Abstract:** This rule amends the provision on remedies for acts of noncompliance to require mandatory assessment for all major violations, authorize automatic assessment for minor violations after notice to repeat offenders, and remove State Director authority to reduce automatic assessments.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/09/91	56 FR 21464
ANPRM	07/08/91	
Comment		
Period End		

Action	Date	FR Cite
Withdrawn - no further action to be taken	09/30/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AB71

**1790. PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS**

**Legal Authority:** 16 USC 1331 et seq

**CFR Citation:** 43 CFR 4700

**Legal Deadline:** None

**Abstract:** This rule enhances the ability of the Secretary of the Interior to control the number of wild horses and burros on the public lands and protect the range from deterioration by avoiding lengthy delays in removals of excess animals pending rulings on appeals to the Interior Board of Land Appeals.

**Timetable:**

Action	Date	FR Cite
NPRM	07/02/91	56 FR 30372
NPRM Comment	08/01/91	
Period End		
Final Action	07/06/92	57 FR 29651
Final Action Effective	08/05/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Bruce Dawson, Acting Chief, National Wild Horses and Burros Program, Department of the Interior, Bureau of Land Management, P.O. Box 12000, Reno, NV 89520-0006, 702 785-6583

**RIN:** 1004-AB87

**1791. UTILIZATION OF GEOTHERMAL RESOURCES**

**Legal Authority:** 30 USC 1001 to 1027

**CFR Citation:** 43 CFR 3250

**Legal Deadline:** None

**Abstract:** This rule provides that decisions involving geothermal



## DOI—BLM

## Completed Actions

resources operations are in full force and effect pending appeal.

**Timetable:**

Action	Date	FR Cite
NPRM	11/25/91	56 FR 59240
NPRM Comment Period End	01/24/92	
Final Action	07/06/92	57 FR 29650
Final Action Effective	08/05/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land

Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AB90

**1792. OIL AND GAS LEASING: WAIVER, SUSPENSION OR REDUCTION OF RENTAL, ROYALTY OR MINIMUM ROYALTY**

**Legal Authority:** 30 USC 181 et seq; 30 USC 351 to 359

**CFR Citation:** 43 CFR 3100

**Legal Deadline:** None

**Abstract:** This rule will amend 43 CFR 3103.4-1 relating to waiver, suspension, or reduction of rental, royalty, or minimum royalty to encourage production.

**Timetable:**

Action	Date	FR Cite
NPRM	03/11/92	57 FR 8605
NPRM Comment Period End	04/10/92	
Final Action	08/11/92	57 FR 35968
Final Action Effective	09/10/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2127

**RIN:** 1004-AC00

**BILLING CODE** 4310-84-F

## DEPARTMENT OF THE INTERIOR (DOI)

## Proposed Rule Stage

## Bureau of Mines (MINES)

**1793. ● HELIUM DISTRIBUTION CONTRACTS**

**Legal Authority:** 50 USC 167 et seq

**CFR Citation:** 30 CFR 602

**Legal Deadline:** None

**Abstract:** Issuance of a revision to 30 CFR 602 is designed to correct a deficiency identified by the Inspector General. Under the existing rule, the Bureau of Mines has not been able to bill and collect the \$5 per thousand cubic feet price premium for Bureau helium purchased for sale to Federal agencies but sold to commercial accounts. The Inspector General estimated that \$293,000 and \$437,000 went uncollected in 1989 and 1990, respectively. Estimates of any future benefits are uncertain because of changing market conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment Period End	06/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Armond A. Sonnek, Assistant Director-Helium Operations, Department of the Interior, Bureau of Mines, 810 7th Street NW., Washington, DC 20241, 202 501-9245

**RIN:** 1032-AA01

**1794. ● PAYMENTS REQUIRED FOR OWNERS OF PRIVATE LANDS UPON WHICH THE BUREAU OF MINES PERFORMS EXPLORATION OR DEVELOPMENT WORK TO INVESTIGATE KNOWN COAL DEPOSITS**

**Legal Authority:** 60 Stat. 373

**CFR Citation:** 30 CFR 609

**Legal Deadline:** None

**Abstract:** This rule will rescind 30 CFR Part 609 because the Bureau of Mines no longer conducts exploration and development work on known coal deposits. Although there are no cost savings realized as a result of the proposed rescission, it would meet the President's objective for revising or rescinding unnecessary and burdensome regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/92	57 FR 43411
NPRM Comment Period End	10/21/92	
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John D. Ford, Management Analyst, Department of the Interior, Bureau of Mines, 810 7th

Street NW., Washington, DC 20241, 202 501-9253

**RIN:** 1032-AA02

**1795. ● BUREAU OF MINES GRANT PROGRAMS**

**Legal Authority:** 42 USC 3253; 42 USC 1891 to 1893; 30 USC 482

**CFR Citation:** 30 CFR 651

**Legal Deadline:** None

**Abstract:** This regulation which requires innovation in the submission of research and development proposals to further Bureau of Mines' programs as authorized by statute is proposed for rescission because these requirements are also contained in 48 CFR, chapter 15, subpart 1515.5. Although there are no cost savings realized as a result of the proposed rescission, it would meet the President's objective for revising or rescinding unnecessary and burdensome regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/92	57 FR 43412
NPRM Comment Period End	10/21/92	
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John D. Ford, Management Analyst, Department of the Interior, Bureau of Mines, 810 7th



DOI—MINES

Proposed Rule Stage

Street NW., Wasington, DC 20241, 202  
501-9253

RIN: 1032-AA03  
BILLING CODE 4310-53-F

DEPARTMENT OF THE INTERIOR (DOI)  
Geological Survey (GS)

Proposed Rule Stage

**1796. ● STATE WATER RESEARCH INSTITUTES**

**Legal Authority:** PL 98-242; PL 101-397

**CFR Citation:** 30 CFR 401

**Legal Deadline:** None

**Abstract:** This agency is proposing to revise the procedures and criteria for evaluating the State Water Research Institutes authorized under the Water Resources Research Act of 1984. The revision incorporates changes made by PL 101-397 so that evaluation teams are not required to visit each institute but can visit such institutes as deemed necessary; the composition of the evaluation team is changed; the evaluation team will consider only those institute activities funded under section 104 of the Water Resources Research Act of 1984. The revision will lower the cost of the evaluation process.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Allen Ford,  
Department of the Interior, Geological Survey, 424 National Center, Reston, Virginia 22092, 703 648-6806

**RIN:** 1028-AA03

**1797. ● OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATION FOR MINERAL RESOURCES, EXCLUDING ORGANIC FUELS**

**Legal Authority:** 30 USC 642(e)

**CFR Citation:** 30 CFR 400

**Legal Deadline:** None

**Abstract:** This agency is proposing to remove 30 CFR 400, Regulations for

obtaining Federal assistance in Financing Exploration for Mineral Resources, excluding organic fuels, in the United States, its Territories and Possessions, because the program has had no funding authority since 1979, and it is doubtful that funding will be authorized in the foreseeable future.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/92	57 FR 43411
NPRM Comment	10/21/92	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Gary Curtin,  
Department of the Interior, Geological Survey, 913 National Center, Reston, Virginia 22092, 703 648-4242

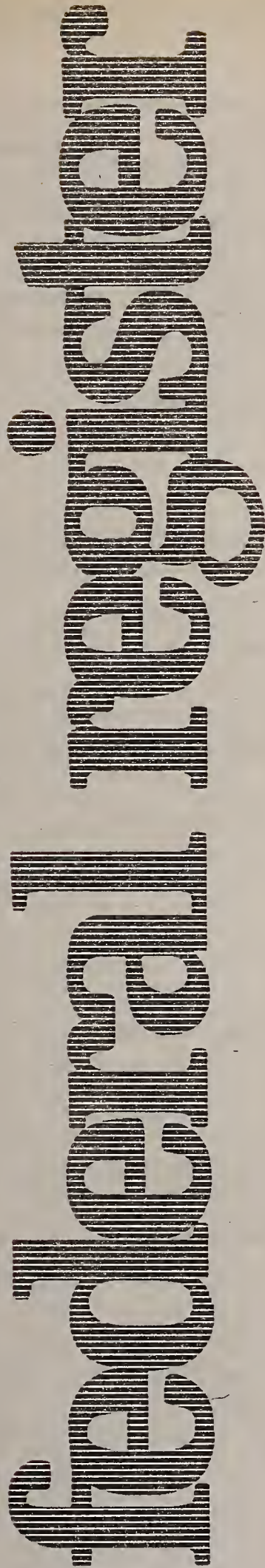
**RIN:** 1028-AA04

[FR Doc. 92-21812 Filed 11-02-92; 8:45 am]  
BILLING CODE 4310-53-F



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Tuesday  
November 3, 1992



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**Part XI**

**Department of  
Justice**

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**Semiannual Regulatory Agenda**



**DEPARTMENT OF JUSTICE (DOJ)**

**DEPARTMENT OF JUSTICE**

8 CFR Ch. I

21 CFR Ch. I

28 CFR Ch. I

**Regulatory Agenda**

**AGENCY:** Department of Justice.

**ACTION:** Regulatory agenda.

**SUMMARY:** The Department of Justice is publishing its October 1992 regulatory agenda pursuant to Executive Order No. 12291 "Federal Regulation," 3 CFR, 1981 Comp., p. 127, and the Regulatory Flexibility Act, 5 U.S.C. 601-612 (West 1984).

**FOR FURTHER INFORMATION CONTACT:**  
Erik Reid, Office of Policy Development,  
Department of Justice, Room 4248, 10th  
and Constitution Avenue NW.,  
Washington, DC 20530, (202) 514-2456.

Dated: September 8, 1992.

Steven R. Schlesinger,  
*Director, Office of Policy Development.*

**Civil Rights Division—Final Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
1798	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance .....	1190-AA03

**Drug Enforcement Administration—Proposed Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
1799	Prescriptions for Controlled Substances, Requirements for Use of Automated Data Processing Systems .....	1117-AA03

**Drug Enforcement Administration—Completed Actions**

Se- quence Number	Title	Regulation Identifier Number
1800	Definition and Exemption of Affiliated Practitioners .....	1117-AA11

**General Administration—Proposed Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
1801	Determination for Access to National Security Information: Eligibility, Adjudication, and Appeal Procedures .....	1103-AA18

**General Administration—Final Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
1802	Procedures for Collection of Past Due Legally Enforceable Debt Through Federal Tax Refund Offset.....	1103-AA16
1803	Debt Collection .....	1103-AA23



DOJ

## Immigration and Naturalization Service—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
1804	Nonimmigrant Visitors for Business .....	1115-AC89

## Immigration and Naturalization Service—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1805	Prosecution for Escape From Service Custody .....	1115-AB15
1806	Nonimmigrant Classes; Special Requirement for Admission, Extension and Maintenance of Status, Control of Employment of Alien .....	1115-AB52
1807	Change of Address Notification; Immigration Forms .....	1115-AB65
1808	Suspension or Disbarment .....	1115-AB87
1809	Progressive Clearance .....	1115-AB90
1810	Nonimmigrant Classes, School Approvals and Reporting Requirements .....	1115-AB97
1811	Immigration and Nationality Petitions/Applications; Certification of Documents .....	1115-AC07
1812	Proof of Official Records .....	1115-AC11
1813	Adjustment of Status to That of Persons Admitted for Lawful Temporary or Permanent Resident Status Under Section 245a of the Immigration and Nationality Act, as Amended .....	1115-AC18
1814	Exclusion of Aliens: Proceedings to Determine Deportability of Aliens in the United States; Apprehension, Custody, Hearing, and Appeal; Rescission of Adjustment of Status .....	1115-AC22
1815	Change of Nonimmigrant Classification .....	1115-AC23
1816	Contractual Augmentation of Federal Inspectional Services .....	1115-AC27
1817	Conditional Basis of Lawful Permanent Residence for Certain Alien Investors, Their Spouses, and Sons and Daughters .....	1115-AC53
1818	Representations and Appearances; Suspension or Disbarment .....	1115-AC61
1819	Enhancing the Enforcement Authority of Immigration Officers .....	1115-AC63
1820	Registration of Special Groups .....	1115-AC68
1821	Parole .....	1115-AC69
1822	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s ...	1115-AC70
1823	Judicial Recommendations Against Deportation; Controlled Substance Violations .....	1115-AC73
1824	Landing Requirements; Place of Landing .....	1115-AC74
1825	Notice to Transportation Lines; National Fines Office .....	1115-AC75
1826	Landing of Alien Crewmen; Examination of Crewmen; Requirements for Admission; Revocation of Conditional Landing Permits; Deportation .....	1115-AC76
1827	Control of Alien Crewmen .....	1115-AC77
1828	Discharge of Alien Crewmen .....	1115-AC78
1829	Procedure Under Section 257 of the Immigration and Nationality Act .....	1115-AC79
1830	Prevention of Unauthorized Landing of Aliens .....	1115-AC80
1831	Unlawful Bringing of Aliens into the United States .....	1115-AC81
1832	Collection of Refunded Transportation Costs .....	1115-AC82
1833	Overtime Liability of Cargo Vessels and Aircraft .....	1115-AC91
1834	Non-Mariel Cuban Parole Determinations .....	1115-AC98
1835	Ports of Entry for Aliens Arriving by Vessel or by Land Transportation .....	1115-AD00
1836	Biannual INS User Fee Review .....	1115-AD06
1837	Inspection of Persons Applying for Admission .....	1115-AD17
1838	Special Services and Benefits; User Fees .....	1115-AD18
1839	Stipulated Deportation; Waiver of Presence of the Parties .....	1115-AD20
1840	Accelerated EOIR Proceeding for Aggravated Felon .....	1115-AD21
1841	Revision to Affirmative Asylum Adjudication Procedures .....	1115-AD22
1842	Designated Area Entry Permit .....	1115-AD23
1843	Documentary Requirements: Nonimmigrants; Nonresident Alien Border Crossing Cards .....	1115-AD24
1844	Safeguarding Classified Information in Temporary Protected Status Cases .....	1115-AD25
1845	Record of Conviction; Certification .....	1115-AD26



DOJ

## Immigration and Naturalization Service—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1846	Nonimmigrant Classes; Temporary Employees .....	1115-AA25
1847	Immigration User Fee .....	1115-AA30
1848	Contracts with Transportation Lines .....	1115-AA88
1849	Seizure and Forfeiture of Conveyances .....	1115-AA95
1850	Proceedings to Determine Deportability of Aliens in the United States: Apprehension, Custody, Hearing and Appeal; Suspension of Deportation and Voluntary Departure .....	1115-AB19
1851	Waiver of Certain Types of Visas .....	1115-AB40
1852	Aliens, Exclusion Grounds, Immigration, Nationality, and Waivers of Inadmissibility .....	1115-AB45
1853	Apprehension, Custody, and Detention: Clarification of Force and Effect of Service Detainers (Form I-247) .....	1115-AB48
1854	Field Officers; Powers and Duties; Subpoena .....	1115-AB63
1855	Termination of Temporary Resident Status .....	1115-AB74
1856	Adjustment of Status; Nurses .....	1115-AB76
1857	Establishment of Pilot Programs to Charge a User Fee at Selected Ports of Entry .....	1115-AB78
1858	Claims to Asylum or Withholding of Deportation Made by Aliens Fleeing Coercive Family Planning Policies .....	1115-AB86
1859	Visa Waiver Pilot Program .....	1115-AB93
1860	Availability of Material Under the Freedom of Information Act .....	1115-AC15
1861	Suspension of Immediate and Continuous Transit Agreements .....	1115-AC17
1862	Changes in Processing Procedures for Certain Applications and Petitions for Immigration Benefits .....	1115-AC20
1863	Petition for Alien to Perform Agricultural Labor or Services of a Temporary or Seasonal Nature (H-2A); Petition Agreements .....	1115-AC28
1864	Temporary Protected Status .....	1115-AC30
1865	International Cultural Exchange Visitors, Q Classification .....	1115-AC32
1866	Special Classes of Persons Who May be Naturalized; Veterans of the U.S. Armed Forces Who Served During WWI or WWII or Enlisted Under Act of June 30, 1950, as Amended .....	1115-AC34
1867	Application for the Exercise of Discretion Under 212c Aggravated Felons .....	1115-AC35
1868	Consent to Reapply for Admission After Deportation, Removal, or Departure at Government Expense .....	1115-AC37
1869	Applicant Processing for Family Unity Benefits .....	1115-AC39
1870	Exemption to General Prohibition Against Approval of Application for Immigration Benefits Based on Marriage Entered Into During Deportation or Exclusion Proceedings .....	1115-AC43
1871	Conditional Basis of Lawful Permanent Residence for Certain Alien Spouses and Sons and Daughters; Battered Wife Exception .....	1115-AC47
1872	Special Immigrant Status; Certain Aliens Declared Dependent on a Juvenile Court .....	1115-AC48
1873	Treaty Aliens, E Classification .....	1115-AC51
1874	Administrative Naturalization .....	1115-AC58
1875	Release Procedures; Lawful Permanent Residents Convicted of Aggravated Felonies .....	1115-AC60
1876	Asylum and Withholding of Deportation Procedures; Aggravated Felons .....	1115-AC66
1877	Asylum Application Mail-in Program to Asylum Offices Issuance of Charging Documents in Exclusion and Deportation Proceedings by Supervisory Asylum Officers .....	1115-AC67
1878	Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act .....	1115-AC72
1879	Revision of Grounds for Deportation; Conforming Regulations .....	1115-AC86
1880	Mariel Cuban Parole Determinations .....	1115-AC90
1881	Fees for Processing Certain Asylee/Refugee Related Applications .....	1115-AC93
1882	Powers and Duties of Service Officers; Availability of Service Records .....	1115-AC94
1883	Name Change for Border Patrol Sector Number 3 and Sector Number 2 .....	1115-AC95
1884	Distribution of Service Forms .....	1115-AC97
1885	Contracts with Transportation Lines; Documentary Requirements .....	1115-AD01
1886	Implementation of Internal Reorganization of the Immigration and Naturalization Service .....	1115-AD03
1887	Detention and Release of Juveniles, Aggravated Felons .....	1115-AD04
1888	Special Immigrant Status; Aliens Who Have Served Honorably (or Are Enlisted To Serve) in the Armed Forces of the United States for at Least Twelve Years .....	1115-AD05
1889	Application for Extension or Reinstatement of Voluntary Departure .....	1115-AD07
1890	Admission of Refugees; Fingerprinting .....	1115-AD08
1891	Physical and Mental Examination of Arriving Aliens .....	1115-AD10
1892	Emergency Federal Law Enforcement Assistance .....	1115-AD11
1893	Adjustment of Status to That of Person Admitted for Permanent Residence: Interview .....	1115-AD12
1894	Automatic Conversion of Classification of Beneficiary .....	1115-AD14
1895	Precompletion Interval Training; F-1 Student Work Authorization .....	1115-AD16
1896	Changing Definition of External Boundary of the United States .....	1115-AD19
1897	Contracts with Transportation Lines; Signatory Authority .....	1115-AD27



DOJ

## Immigration and Naturalization Service—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1898	Changes to Chapter 15 of the U.S.-Canada Free-Trade Agreement.....	1115-AB72
1899	Student Employment Authorization Procedures .....	1115-AB94
1900	Rescission of Adjustment of Status .....	1115-AB98
1901	Detention of Crewmen Prior to Examination.....	1115-AC25
1902	Transition for Employees of Certain U.S. Businesses Operating in Hong Kong .....	1115-AC31
1903	Nonimmigrant Classes; Students.....	1115-AC33
1904	Penalties for Document Fraud .....	1115-AC36
1905	Denial of Crewman Status in the Case of Certain Labor Disputes and Specifications of Authorized Employment.....	1115-AC42
1906	Family Sponsored Immigrants.....	1115-AC45
1907	Adjustment Procedures for Aliens Granted Asylum.....	1115-AC50
1908	Ports of Entry to Accept Application for Direct Transit Without Visas .....	1115-AC87
1909	Waiver of Fees; Temporary Protected Status.....	1115-AC96
1910	N-Nonimmigrant Classes; Control of Employment of Aliens.....	1115-AD13

## Legal Activities—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
1911	Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings.....	1105-AA05

## Legal Activities—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1912	Criminal Fines Enforcement.....	1105-AA16

## Legal Activities—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1913	New Restrictions on Lobbying .....	1105-AA12
1914	Unfair Immigration-Related Employment Practices .....	1105-AA17

## Legal Activities—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1915	Claims Under the Radiation Exposure Compensation Act.....	1105-AA15



DOJ

Office of Justice Programs—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
1916	Uniform Administrative Requirements for Grants and Cooperative Agreements to Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations .....	1121-AA18

Office of Justice Programs—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1917	Criminal Justice Information Systems .....	1121-AA13
1918	Office of Juvenile Justice and Delinquency Prevention Formula Grants Regulations .....	1121-AA15
1919	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.....	1121-AA16

Office of Justice Programs—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1920	Equal Employment Opportunity Program Guidelines .....	1121-AA10
1921	Nondiscrimination in OJP Federally Assisted Programs.....	1121-AA11
1922	Criminal Intelligence Systems Operating Policies.....	1121-AA12

Office of Justice Programs—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1923	Public Safety Officers' Benefits Program Regulations.....	1121-AA17

DEPARTMENT OF JUSTICE (DOJ)  
Civil Rights Division (CRT)

Final Rule Stage

**1798. 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 program or activities assisted by the Department of Justice (DOJ). The statute 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 of Legal Counsel, and on November 10, 1980, a draft final rule was sent to HHS for approval. On July 13, 1984, HHS conditionally approved the draft regulation. On August 12, 1987, DOJ submitted to HHS a draft final

regulation. On August 3, 1991, HHS approved a DOJ draft final regulation.

**Timetable:**

Action	Date	FR Cite
NPRM Comment	06/18/80	45 FR 32710
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** William R. Worthen, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66118,



DOJ—CRT

Final Rule Stage

Washington, DC 20035-6118, 202 307-2218

RIN: 1190-AA03

**DEPARTMENT OF JUSTICE (DOJ)**  
**Drug Enforcement Administration (DEA)**

Proposed Rule Stage

**1799. PRESCRIPTIONS FOR CONTROLLED SUBSTANCES, REQUIREMENTS FOR USE OF AUTOMATED DATA PROCESSING SYSTEMS****Significance:** Agency Priority**Legal Authority:** 21 USC 821; 21 USC 829; 21 USC 871(b)**CFR Citation:** 21 CFR 1306.21; 21 CFR 1306.22; 21 CFR 1306.26; 21 CFR 1306.31**Legal Deadline:** None**Abstract:** This rule will amend existing regulations concerning the maintenance and retrieval of controlled substance prescription information stored in automated data processing systems. The rule is intended to clarify and simplify existing requirements.**Timetable:**

Action	Date	FR Cite
NPRM	09/05/89	54 FR 36815
NPRM Comment Period End	11/24/89	54 FR 43436

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** G. Thomas Gitchel, Chief, State and Industry Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537, 202 307-7297

RIN: 1117-AA03

**DEPARTMENT OF JUSTICE (DOJ)**  
**Drug Enforcement Administration (DEA)**

Completed Actions

**1800. DEFINITION AND EXEMPTION OF AFFILIATED PRACTITIONERS****Significance:** Agency Priority**CFR Citation:** 21 CFR 1301.24(d) (New); 21 CFR 1304.02(i) (New); 21 CFR 1304.02(j)**Completed:**

Reason	Date	FR Cite
Withdrawn	04/24/92	57 FR 15037

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Agency Contact:** G. Thomas Gitchel, 202 307-7297

RIN: 1117-AA11

**DEPARTMENT OF JUSTICE (DOJ)**  
**General Administration (DOJADM)**

Proposed Rule Stage

**1801. DETERMINATION FOR ACCESS TO NATIONAL SECURITY INFORMATION: ELIGIBILITY, ADJUDICATION, AND APPEAL PROCEDURES****Legal Authority:** EO 12356; Information Security Oversight Office Directive No. 1**CFR Citation:** 28 CFR 17**Legal Deadline:** None**Abstract:** To establish procedures for granting, denying, suspending, and revoking access to national security information originated by, or in the control of, the Department of Justice.**Timetable:**

Action	Date	FR Cite
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**Government Levels Affected:** Federal**Agency Contact:** D. Jerry Rubino, Director, Security and Emergency Planning Staff, Department of Justice, Justice Management Division, 10th & Constitution Avenue NW., Washington, DC 20530, 202 514-2094

RIN: 1103-AA18

Next Action Undetermined

**Small Entities Affected:** Undetermined



**DEPARTMENT OF JUSTICE (DOJ)**  
**General Administration (DOJADM)**

**Final Rule Stage**

**1802. PROCEDURES FOR COLLECTION OF PAST DUE LEGALLY ENFORCEABLE DEBT THROUGH FEDERAL TAX REFUND OFFSET**

**Legal Authority:** 31 USC 3720A; 31 USC 3718; 28 USC 509; 28 USC 510

**CFR Citation:** 28 CFR 11

**Legal Deadline:** None

**Abstract:** The final rule will revise an interim final rule published on March 9, 1989, which established procedures for referring to the Department of Treasury debts for collection by offset against Federal Income Tax Refunds. The final rule will broaden the scope of coverage by including organizations and entities in addition to individual debtors, and by including debts that are past due and legally enforceable but not reduced to judgment in addition to debts that have been reduced to judgment.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22026
Interim Final Rule	03/09/89	54 FR 9979
Interim Final Rule Effective	03/09/89	
NPRM	03/01/91	56 FR 8734
Final Action	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Imogene McCleary, Special Assistant to the Director, Department of Justice, Debt Collection Management, Justice Management Division, Room 1340, 10th & Const. Ave. NW., Washington, DC 20530, 202 514-5343

**RIN:** 1103-AA16

**1803. DEBT COLLECTION**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 5514; 5 USC 3716

**CFR Citation:** 28 CFR 11

**Legal Deadline:** None

**Abstract:** This change provides the Department with procedures to collect debts by salary offset from current employees and from former Department employees who work for other Government agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/91	56 FR 49729
NPRM Comment Period End	10/31/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James E. Williams, Director, Finance Staff, Justice Management Division, Department of Justice, 601 D Street NW., Washington, DC 20530, 202 501-6984

**RIN:** 1103-AA23

**DEPARTMENT OF JUSTICE (DOJ)**  
**Immigration and Naturalization Service (INS)**

**Prerule Stage**

**1804. NONIMMIGRANT VISITORS FOR BUSINESS**

**Legal Authority:** PL 101-649

**CFR Citation:** 8 CFR 212; 8 CFR 214

**Legal Deadline:** None

**Abstract:** The Immigration and Naturalization Service, through the use of the Public Notice process in the Federal Register has solicited public comment on the Service's operating instructions as they relate to aliens,

employers, and religious organizations which may be affected by changes to the nonimmigrant classifications (B-1 nonimmigrant classifications) which have resulted from the enactment of Pub. L. 101-649, the Immigration Act of 1990.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1441-91; regulatory action on hold pending change in statute.

**Agency Contact:** Michael Shaul, Senior Immigration Examiner, Examination, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-3946

**RIN:** 1115-AC89

**DEPARTMENT OF JUSTICE (DOJ)**  
**Immigration and Naturalization Service (INS)**

**Proposed Rule Stage**

**1805. PROSECUTION FOR ESCAPE FROM SERVICE CUSTODY**

**Legal Authority:** PL 100-690

**CFR Citation:** 8 CFR 242

**Legal Deadline:** None

**Abstract:** The regulation will create implementing language for that section of the Anti-Drug Abuse Act of 1988 that makes escape, attempted escape, or

assisting in an escape from Service custody a misdemeanor offense.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1213-89 (Cross reference with INS No. 1226-90)

**Agency Contact:** Carol Jenifer, Detention and Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6008, Washington, DC 20536, 202 514-2865

**RIN:** 1115-AB15



DOJ—INS

Proposed Rule Stage

**1806. NONIMMIGRANT CLASSES; SPECIAL REQUIREMENT FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS, CONTROL OF EMPLOYMENT OF ALIEN****Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a**CFR Citation:** 8 CFR 214.2; 8 CFR 274a.12**Legal Deadline:** None**Abstract:** Collaborative effort with INS, Department of State and Department of Defense on revising Service regulations relating to employment authorization for dependents of certain principal aliens in NATO status. The revision is to clarify the current regulations and bring them more into alignment with the A and G regulations.**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1328-91

Draft regulations circulated to Department of State, Department of Defense, and NATO.

**Agency Contact:** Jack Tabaka, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-3240**RIN:** 1115-AB52**1807. CHANGE OF ADDRESS NOTIFICATION; IMMIGRATION FORMS****Legal Authority:** 8 USC 1103; 8 USC 1305; 8 USC 1101; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2**CFR Citation:** 8 CFR 265.1; 8 CFR 299.1; 8 CFR 299.5; 8 CFR 287.6(c)**Legal Deadline:** None**Abstract:** This rule will amend the current regulation by dictating that unless exempt by statute, all aliens including applicants for Legalization, Special Agricultural Workers and Replenishment Agricultural Workers must report new address and changes of address on Form AR-11.

This rule also updates the listing of forms contained in 8 CFR 299.1 and 299.5, and makes grammatical changes to 8 CFR 287.6(c).

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** INS No. 1245-90**Agency Contact:** Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747**RIN:** 1115-AB65**1808. SUSPENSION OR DISBARMENT****Legal Authority:** 8 USC 1103; 8 USC 1362; 8 CFR 2**CFR Citation:** 8 CFR 292.3**Legal Deadline:** None**Abstract:** The proposed rule subjects attorneys and representatives to suspension or disbarment from practice before the Immigration and Naturalization Service (INS) if they are found to have violated the American Bar Association Model Rules of Professional Conduct.**Timetable:**

Action	Date	FR Cite
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NPRM 12/00/92

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1291-90**Agency Contact:** Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, 202 514-0747**RIN:** 1115-AB87**1809. PROGRESSIVE CLEARANCE****Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228; 8 USC 1229**CFR Citation:** 8 CFR 231.1(c)**Legal Deadline:** None**Abstract:** Current regulations allow for the inspection of arriving passengers to be deferred at the request of the carrier to an onward port of debarkation. This may allow latitude in the reboarding of previously cleared passengers who arrived on a similarly designated flight, thus creating a commingling of international and domestic passengers. This regulation would more clearly define a progressive flight.**Timetable:**

Action	Date	FR Cite
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NPRM 03/00/93

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** INS No. 1303-90**Agency Contact:** Peggy Wong, Associate Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7216, Washington, DC 20536, 202 514-3019**RIN:** 1115-AB90**1810. NONIMMIGRANT CLASSES, SCHOOL APPROVALS AND REPORTING REQUIREMENTS****Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184**CFR Citation:** 8 CFR 214**Legal Deadline:** None**Abstract:** This rule revises regulations to conform with the redesign of the Student School Database. INS is redesigning the STSC to improve data accuracy and to reduce the paperwork load for school officials.**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/93

**Small Entities Affected:** Undetermined**Government Levels Affected:** State, Federal**Additional Information:** INS No. 1301-90**Agency Contact:** William R. Tollifson, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-3946**RIN:** 1115-AB97



**1811. IMMIGRATION AND NATIONALITY PETITIONS/APPLICATIONS; CERTIFICATION OF DOCUMENTS**

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 31 USC 9701; EO 12356; 47 FR 14874; 47 FR 15557; 3 CFR, 1982 Comp, p 166; 8 CFR 2

**CFR Citation:** 8 CFR 103.2(b)(1)

**Legal Deadline:** None

**Abstract:** This proposed rule will revise the requirement that all supporting documents submitted by individuals applying for immigration benefits be accompanied by certified copies or that copies be certified by designated INS personnel at the time of receipt for retention with the petition(s) or application(s). Available data do not show a significant number of rescission/revocation actions based on fraudulent claims to warrant continuing to require that all documents in support of a request for an immigration benefit be certified. The public will be less burdened with having to produce and pay for certified copies. The public will also have to spend less time standing in line at an INS office waiting for their documents to be read and matched for certification.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1298-90

**Agency Contact:** Nina Conner, Information Management Specialist, Public Contact Section, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 5060, Washington, DC 20536, 202 514-5365

**RIN:** 1115-AC07

**1812. PROOF OF OFFICIAL RECORDS**

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

**CFR Citation:** 8 CFR 287.6

**Legal Deadline:** None

**Abstract:** This rule will permit immigration officers to attest to having

seen an official record and having made a true copy thereof.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1297-91

**Agency Contact:** Ira L. Frank, Senior Special Agent, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747

**RIN:** 1115-AC11

**1813. ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR LAWFUL TEMPORARY OR PERMANENT RESIDENT STATUS UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED**

**Legal Authority:** 8 USC 1103; 8 USC 1255a; 8 USC 1255a note; 8 CFR 2.1

**CFR Citation:** 8 CFR 245a

**Legal Deadline:** None

**Abstract:** This interim rule amends the present rule by providing for the automatic termination of section 245A temporary resident status upon entry of a final order of deportation or exclusion.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1321-91

AG Order Number to be assigned

**Additional Agency Contact:** Gerald Hurwitz, Executive Office of Immigration Review

**Agency Contact:** David Dixon, Appellate Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street

NW., Room 7048, Washington, DC 20536, 202 514-2895

**RIN:** 1115-AC18

**1814. EXCLUSION OF ALIENS: PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES; APPREHENSION, CUSTODY, HEARING, AND APPEAL; RESCISSION OF ADJUSTMENT OF STATUS**

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1255; 8 USC 1362; 8 CFR 2; 8 USC 1186A; 8 USC 1187; 8 USC 1251; 8 USC 1254; 8 USC 1258; 8 USC 1259

**CFR Citation:** 8 CFR 236.10; 8 CFR 242.25; 8 CFR 246.10

**Legal Deadline:** None

**Abstract:** This rule implements sections 601(a)(3) and 602(a)(4) of the Immigration Act of 1990 by permitting the Service to introduce under certain restrictions, relevant information that is classified under EO 12356 to be considered "in camera" and "ex parte" in exclusion, deportation and rescission hearings by a special inquiry officer.

This rule is necessary to aid in expelling alien terrorists from the United States and thus reduces the threat that such aliens pose to the national security and other vital interests of the United States.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/00/92

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1327-91

AG Order Number to be assigned

This regulation falls under IMMACT 90

**Agency Contact:** Ira Frank, Senior Special Agent, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747

**RIN:** 1115-AC22



DOJ—INS

Proposed Rule Stage

**1815. CHANGE OF NONIMMIGRANT CLASSIFICATION****Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1187; 8 USC 1258**CFR Citation:** 8 CFR 1; 8 CFR 214; 8 CFR 248; 8 CFR 299**Legal Deadline:** None**Abstract:** This regulation will eliminate many of the anomalies that have been introduced into this section of regulation over the years.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/93	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** INS No. 1329-91**Agency Contact:** Jack Tabaka, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014**RIN:** 1115-AC23**1816. CONTRACTUAL AUGMENTATION OF FEDERAL INSPECTIONAL SERVICES****Legal Authority:** 8 USC 1103; 8 USC 1356**CFR Citation:** 8 CFR 286**Legal Deadline:** None**Abstract:** Presently international passengers pay a five dollar user fee to fund immigration inspection services at airports and some seaports. A legislative change is being sought to Section 286 of the INA, to permit airport operators, bridge owners and local government or special governmental districts to contract with the INS to provide augmented levels of inspectional services at airport, seaport or land border ports of entry, beyond that level available through the user fee or appropriations process. This rule would be promulgated after such change was made to the INA.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal**Additional Information:** INS No. 1333-91**Agency Contact:** Thomas Andreotta, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-3275**RIN:** 1115-AC27**1817. CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN INVESTORS, THEIR SPOUSES, AND SONS AND DAUGHTERS****Legal Authority:** PL 101-649, Sec 121**CFR Citation:** 8 CFR 219**Legal Deadline:** None**Abstract:** This rule establishes criteria for maintenance and termination of conditional resident investor status. It also establishes process and criteria for removal of the conditional basis of permanent resident status.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1429-91**Agency Contact:** Edward H. Skerrett, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-5014**RIN:** 1115-AC53**1818. REPRESENTATIONS AND APPEARANCES; SUSPENSION OR DISBARMENT****Legal Authority:** 8 USC 1103; 8 USC 1362; 8 CFR 2**CFR Citation:** 8 CFR 292.3**Legal Deadline:** None**Abstract:** This rule modifies two grounds for suspension or disbarment of attorney or nonattorney representatives by removing the restriction on attorneys or their representatives to advertise the availability of their services on immigration matters, and by removing

the restriction to make and retain a copy of a record in a case without authorization.

Removal of these two outdated grounds for ethical standards should increase the respectful attention paid by attorney and nonattorney representatives to the serious obligations imposed by 8 CFR 292. The effect of these modifications will be that INS regulations regarding suspension and disbarment will conform with the current state of the law and everyday practice.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Federal**Additional Information:** INS No. 1325-91**Agency Contact:** Ira Frank, Senior Special Agent, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747**RIN:** 1115-AC61**1819. ENHANCING THE ENFORCEMENT AUTHORITY OF IMMIGRATION OFFICERS****Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186A; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1357; 8 USC 1362; 8 USC 1225; 8 USC 1226; 8 CFR 2**CFR Citation:** 8 CFR 242; 8 CFR 287**Legal Deadline:** None**Abstract:** This regulation codifies existing policy guidance regarding the authority of immigration officers to arrest persons, carry firearms, and serve process. It further expands the arrest authority of immigration officers beyond arrests for violations of the immigration laws. These changes are the result of expanded authority provided in section 503 of the Immigration Act of 1990, Pub. L. 101-649.**Timetable:**

Action	Date	FR Cite
NPRM	10/14/92	57 FR 47011
NPRM Comment	11/30/92	Period End

**Small Entities Affected:** Undetermined



DOJ—INS

Proposed Rule Stage

**Government Levels Affected:** Federal  
**Additional Information:** INS No. 1442-91

**Agency Contact:** Kathryn E. Sheehan, Special Assistant, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7246, Washington, DC 20536, 202 514-3032

**RIN:** 1115-AC63

**1820. REGISTRATION OF SPECIAL GROUPS**

**Legal Authority:** 8 USC 1101; 8 USC 1303; 8 USC 1357; 8 CFR 2

**CFR Citation:** 8 CFR 263

**Legal Deadline:** None

**Abstract:** This rule permits the Immigration and Naturalization Service to register aliens on probation and parole. By so doing, INS can regulate such aliens by having them report to the Service for registration. At that point, it can be determined if the alien is amenable to deportation. If so, the alien can be placed in deportation proceedings. Failure to report can be prosecuted as a misdemeanor or can result in the alien's probation or parole status being revoked.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1356-91

**Agency Contact:** Ira Frank, Senior Special Agent, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747

**RIN:** 1115-AC68

**1821. PAROLE**

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1361; 8 CFR 2

**CFR Citation:** 8 CFR 212.5

**Legal Deadline:** None

**Abstract:** This rule adds the positions of Director and Assistant Directors, Organized Crime Drug Enforcement

Task Force (OCDETF), New York, NY; Los Angeles, CA; Houston, TX; and Miami, FL as officials having authority to authorize parole of aliens into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1367-91; RIN 1115-AD09 has been merged with this regulation.

**Agency Contact:** Ira Frank, Senior Special Agent, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747

**RIN:** 1115-AC69

**1822. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANC(E)S**

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2

**CFR Citation:** 8 CFR 245

**Legal Deadline:** None

**Abstract:** This regulation amends 8 CFR 245.1(b)(12) to clarify that an alien lawfully admitted for permanent residence on a conditional basis under either section 216 or section 216A of the Act remains ineligible for adjustment of status under section 245 of the Act even after the alien's status has been terminated under section 216 or section 216A, respectively.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1353-91; AG Order No. (to be assigned)

**Agency Contact:** Rita A. Boie, Senior Immigration Examiner, Adjudications, Department of Justice, Immigration and Naturalization Service, 425 I Street

NW., Room 7122, Washington, DC 20536, 202 514-3241

**RIN:** 1115-AC70

**1823. JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION; CONTROLLED SUBSTANCE VIOLATIONS**

**Legal Authority:** 8 USC 1103; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

**CFR Citation:** 8 CFR 241; 8 CFR 236; 8 CFR 246

**Legal Deadline:** None

**Abstract:** This rule will eliminate portions of the present rule due to passage of section 505 of the Immigration Act of 1990. It will retain that portion of the rule mandating that an alien notify the special inquiry officer when a judicial recommendation against deportation will be the basis of denying the charges made by the INS against the alien. It will also require the alien to produce a certified copy of the judicial recommendation against deportation at an expulsion hearing.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1311-91

INS No. 1411-91 (Cross Reference)

**Agency Contact:** Ira Frank, Senior Special Agent, Investigations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747

**RIN:** 1115-AC73

**1824. LANDING REQUIREMENTS; PLACE OF LANDING**

**Legal Authority:** 8 USC 1103; 8 USC 1221; 8 USC 1229; 66 Stat 173; 66 Stat 195; 66 Stat 203

**CFR Citation:** 8 CFR 239

**Legal Deadline:** None

**Abstract:** The revised regulation will add the District Director or the Commissioner of the Immigration Service to the notification process.

The rule will also make other technical amendments to 8 CFR 239.



DOJ-INS

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1362-91

**Agency Contact:** Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115-AC74

**1825. NOTICE TO TRANSPORTATION LINES; NATIONAL FINES OFFICE****Legal Authority:** 8 USC 1103; 8 USC 1252; 8 USC 1253; 8 CFR 2**CFR Citation:** 8 CFR 243**Legal Deadline:** None**Abstract:** This regulation will add a provision for notification to the National Fines Office.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1341-91.

**Agency Contact:** Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115-AC75

**1826. LANDING OF ALIEN CREWMEN; EXAMINATION OF CREWMEN; REQUIREMENTS FOR ADMISSION; REVOCATION OF CONDITIONAL LANDING PERMITS; DEPORTATION****Legal Authority:** 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 USC 1281; 8 USC 1282; 66 Stat 173; 66 Stat 189; 66 Stat 218; 66 Stat 219; 66 Stat 220**CFR Citation:** 8 CFR 252**Legal Deadline:** None**Abstract:** The regulation will revise 8 CFR 252 to include a requirement that the detained crewman may leave the vessel only in close proximity to the

vessel and only while involved in activities related to the arrival of the vessel.

The regulation will also clarify that all crewmen must be presented for inspection so that INS can determine whether each crewman is an alien or a U.S. citizen.

The regulation will also provide that a C-1 nonimmigrant in transit to a vessel in pursuit of his/her calling as a crewman would lose his/her transit status and become a crewman detained on board as soon as he/she boards his/her vessel and has been inspected and admitted by an examining officer of INS.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1336-91. INS No. 1365-91, RIN 1115-AD02 was consolidated with this regulation.

**Agency Contact:** Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115-AC76

**1827. CONTROL OF ALIEN CREWMEN****Legal Authority:** 8 USC 1284**CFR Citation:** 8 CFR 254**Legal Deadline:** None**Abstract:** The regulation will discuss fines situations commonly encountered in administering Section 254 of the Immigration and Nationality Act. This will supplement existing regulations at 8 CFR 280.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1358-91

**Agency Contact:** Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg

Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115-AC77

**1828. DISCHARGE OF ALIEN CREWMEN****Legal Authority:** 8 USC 1286**CFR Citation:** 8 CFR 256**Legal Deadline:** None**Abstract:** The regulation will expand on the provisions of section 256 of the INA. Specifically, the turning in of a D-1 Form I-95 to a carrier removing an alien crewman from the United States will be considered "prima facie" evidence that the crewman was improperly discharged without INS permission.

Agents of vessels will return copies of approved Forms I-408 as rebuttal to fines and provide these copies which will be considered noncompliance with section 256 of the Act.

Forms I-408 submitted to INS for approval after the vessel has departed foreign and/or after the alien has departed the United States by a means other than the vessel on which he/she arrived will not be approved and will be considered in non-compliance with the provisions of section 256 of the Act.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1359-91

**Agency Contact:** Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

RIN: 1115-AC78

**1829. PROCEDURE UNDER SECTION 257 OF THE IMMIGRATION AND NATIONALITY ACT****Legal Authority:** 8 USC 1287**CFR Citation:** 8 CFR 280**Legal Deadline:** None**Abstract:** A new section 22 will be added to 8 CFR 280 in order to clarify procedures for fines under section 257 of the Act.



DOJ-INS

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1360-91

**Agency Contact:** Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

**RIN:** 1115-AC79**1830. PREVENTION OF UNAUTHORIZED LANDING OF ALIENS****Legal Authority:** 8 USC 1103; 8 USC 1321**CFR Citation:** 8 CFR 271**Legal Deadline:** None

**Abstract:** The regulation would clarify that at the time of arrival of an aircraft all passengers must be presented for inspection. Failure to present any passenger at the time of arrival of an aircraft will be considered noncompliance with section 271 of the Immigration and Nationality Act.

This regulation would also provide that all arriving aircraft, including those arriving from contiguous territory or adjacent islands, will be required to present all passengers for inspection by INS, except passengers who are (1) predeclared, or (2) intended TWOV's (pursuant to section 238 TWOV Agreement).

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1339-91

**Agency Contact:** Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

**RIN:** 1115-AC80**1831. UNLAWFUL BRINGING OF ALIENS INTO THE UNITED STATES****Legal Authority:** 8 USC 1323**CFR Citation:** 8 CFR 273**Legal Deadline:** None

**Abstract:** The regulation would provide clarification of the meaning or implementation of section 273 of the Act.

All instances of an alien being brought to the U.S. without a visa when one is required (except for arrivals from contiguous territories) would render the carrier subject to a fine under section 273 of the Immigration and Nationality Act.

Individual waivers of visas (such as 212(d)(4)) granted after arrival in the U.S. do not relieve a carrier of fine liability. Similarly, granting of parole or subsequent admission into the U.S. does not remove fine liability.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1340-91

**Agency Contact:** Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

**RIN:** 1115-AC81**1832. COLLECTION OF REFUNDED TRANSPORTATION COSTS****Legal Authority:** 8 USC 1323**CFR Citation:** 8 CFR 273**Legal Deadline:** None

**Abstract:** The regulation will direct payment for refunded passage money to INS instead of to the U.S. Customs Service. This passage was overlooked in the revisions made to the Act by the Immigration Act of 1990, Pub. L. 101-649, wherein sections relating to administrative fines were revised to designate INS as the collector of payments for administrative fines, where previously the U.S. Customs Service received collections on behalf of the Service.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1361-91

**Agency Contact:** Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

**RIN:** 1115-AC82**1833. OVERTIME LIABILITY OF CARGO VESSELS AND AIRCRAFT****Legal Authority:** 8 USC 1356**CFR Citation:** 8 CFR 286**Legal Deadline:** None

**Abstract:** This regulation would propose that the Immigration and Naturalization Service include direct salary costs and an administrative overhead charge in its overtime billing for arriving aircraft, trains, and vessels for all immigration inspection services.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** INS No. 1345-92

**Agency Contact:** Jeff Cohen, Systems Accountant, Office of Finance, Department of Justice, Immigration and Naturalization Service, Tarrif Building, 701 E Street, NW., Room 206, Washington, DC 20536, 202 376-2804

**RIN:** 1115-AC91**1834. NON-MARIEL CUBAN PAROLE DETERMINATIONS**

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** This regulation provides procedures for parole determinations



## DOJ—INS

## Proposed Rule Stage

with respect to arriving non-Mariel Cubans.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1354-91

AG Order No. (to be determined)

**Agency Contact:** Joan Lieberman, Assistant General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7048, Washington, DC 20536, 202 514-1932

**RIN:** 1115-AC98

### 1835. PORTS OF ENTRY FOR ALIENS ARRIVING BY VESSEL OR BY LAND TRANSPORTATION

**Legal Authority:** 66 Stat 173; 8 USC 1103

**CFR Citation:** 8 CFR 100

**Legal Deadline:** None

**Abstract:** The regulation would change the class designation of certain ports of entry.

**Timetable:**

Action	Date	FR Cite
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NPRM 03/00/93

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1363-91. INS No. 1238-89, RIN 1115-AB53 has been merged with this regulatory action.

**Agency Contact:** Diane Hinckley, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-2725

**RIN:** 1115-AD00

### 1836. BIENNIAL INS USER FEE REVIEW

**Legal Authority:** 8 USC 1103; 8 USC 1356

**CFR Citation:** 8 CFR 286

**Legal Deadline:** None

**Abstract:** Biannual review of the INS user fee program.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1350-91 (Cross reference INS No. 1372-92, RIN 1115-AA30)

**Agency Contact:** Charles S. Thomason, Systems Accountant, Finance, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6321, Washington, DC 20536, 202 616-7689

**RIN:** 1115-AD06

### 1837. INSPECTION OF PERSONS APPLYING FOR ADMISSION

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1353a; 8 USC 1353b; 31 USC 9701

**CFR Citation:** 8 CFR 235

**Legal Deadline:** None

**Abstract:** This rule provides for the reimbursement to the INS for certain direct salary costs and administrative overhead charges in its overtime billing for arriving trains and vessels under 8 USC 1353b, for all immigration inspection services rendered to crews, and for services rendered to passengers not exempt under 8 USC 1353b or 1356(g).

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1512-92

**Agency Contact:** Jeff Cohen, Systems Accountant, Finance, Department of Justice, Immigration and Naturalization Service, Tarrif Building, 701 E Street, NW., Room 206, Washington, DC 20536, 202 376-2804

**RIN:** 1115-AD17

### 1838. SPECIAL SERVICES AND BENEFITS; USER FEES

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1305; 8 USC 1356; 5 USC 552; 5 USC 552(a); 31 USC 9701

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** The rule amends the fee schedule contained in 8 CFR 103.7 (b)(1) in an attempt to satisfy Federal user fee statutes and regulations and specific Federal immigration laws that require recipients of special Government services and benefits which are not directed to the public at large to bear the costs of the Government providing those special services and benefits.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1384-92; AG Order No. to be determined. Cross reference to RIN 1115-AA30

**Agency Contact:** Benson J. Simon, Staff Assistant, Finance, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6237, Washington, DC 20536, 202 514-5985

**RIN:** 1115-AD18

### 1839. STIPULATED DEPORTATION; WAIVER OF PRESENCE OF THE PARTIES

**Significance:** Agency Priority

**Legal Authority:** 8 USC 1252; 8 USC 1226

**CFR Citation:** 8 CFR 3.24

**Legal Deadline:** None

**Abstract:** This regulation would require an Immigration Judge to accept a stipulated order of deportation or exclusion without the presence of the parties.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1388-92



DOJ—INS

Proposed Rule Stage

**Agency Contact:** Robert K. Bingham, Associate General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7048, Washington, DC 20536, 202 514-4616

**RIN:** 1115-AD20

#### 1840. ● ACCELERATED EOIR PROCEEDING FOR AGGRAVATED FELON

**Significance:** Agency Priority

**Legal Authority:** 8 USC 1226; 8 USC 1252

**CFR Citation:** 8 CFR 3.3; 8 CFR 3.14

**Legal Deadline:** None

**Abstract:** This rule would require completing immigration Judge hearings within 45 days and securing a Bureau of Immigration Affairs decision within 90 days.

#### **Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1387-92

**Agency Contact:** Robert K. Bingham, Associate General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7048, Washington, DC 20536, 202 514-4616

**RIN:** 1115-AD21

#### 1841. ● REVISION TO AFFIRMATIVE ASYLUM ADJUDICATION PROCEDURES

**Significance:** Agency Priority

**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2

**CFR Citation:** 8 CFR 208

**Legal Deadline:** None

**Abstract:** This rule would change the standard for granting interim work authorization to aliens while their asylum applications are being granted. It will also change the process for review of decisions to deny asylum and to allow asylum offices the discretion to deny claims from persons who come directly to the US without seeking asylum from a third country that served

as a safe haven. Finally it will permit asylum officers, rather than require them, to seek the view of the Department of State on specific asylum claims.

#### **Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INS No. 1385-92

**Agency Contact:** Bo Cooper, Attorney, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7048, Washington, DC 20536, 202 514-2895

**RIN:** 1115-AD22

#### 1842. ● DESIGNATED AREA ENTRY PERMIT

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252

**CFR Citation:** 8 CFR 235.1

**Legal Deadline:** None

**Abstract:** The regulation will expand the I-68 program, which allows citizens and specified aliens who hold this permit to enter by boat without INS inspection. The rule will expand the use of the permit to additional recreational activities.

#### **Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1388-92

**Agency Contact:** Diane Hinckley, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 616-7493

**RIN:** 1115-AD23

#### 1843. ● DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; NONRESIDENT ALIEN BORDER CROSSING CARDS

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1227; 8 USC 1154; 8 USC 1159; 8 CFR 2; ...

**CFR Citation:** 8 CFR 212; 8 CFR 235; 8 CFR 245; 8 CFR 264; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This rule would standardize guidelines for the issuance of border crossing cards on the southern border.

#### **Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1389-92

Cross reference INS No. 1058-87

**Agency Contact:** Donna Kay Barnes, Associate Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 616-7488

**RIN:** 1115-AD24

#### 1844. ● SAFEGUARDING CLASSIFIED INFORMATION IN TEMPORARY PROTECTED STATUS CASES

**Significance:** Agency Priority

**Legal Authority:** 8 USC 1103; 8 USC 1254a; 8 USC 1254 note

**CFR Citation:** 8 CFR 240

**Legal Deadline:** None

**Abstract:** This rule would permit an immigration judge and the Board of Immigration Appeals to consider classified information in the case of an alien applying for Temporary Protected Status. This information requires protection from unauthorized disclosure in the interest of national security after the Commissioner of the Immigration and Naturalization Service first determines that such information is relevant. This rule is necessary to ensure that the methods and/or means of gathering information is not compromised if disclosed in an open forum such as a deportation proceeding.



## DOJ—INS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1379-92

**Agency Contact:** Ira Frank, Senior Special Agent, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747

**RIN:** 1115-AD25**1845. ● RECORD OF CONVICTION; CERTIFICATION**

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

**CFR Citation:** 8 CFR 287**Legal Deadline:** None

**Abstract:** This rule provides procedures to the States to transmit to the Immigration and Naturalization Service certified records of conviction of aliens who have been convicted of violating the criminal laws of the State.

The rule defines the term "record of conviction", and will provide a means of certifying records that are electronically transmitted to the Service by the States.

The rule also provides the States flexibility by permitting the use of abstracts of criminal conviction records, if that option makes providing the needed records easier.

The rule will help the States meet the requirements of Section 507 of the Immigration Act of 1990, and will help the Service in expelling from the United

States, aliens who have been convicted of violating criminal laws of this country.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** State, Federal**Additional Information:** INS No. 1457-92

**Agency Contact:** Ira Frank, Senior Special Agent, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747

**RIN:** 1115-AD26

## DEPARTMENT OF JUSTICE (DOJ)

## Final Rule Stage

## Immigration and Naturalization Service (INS)

**1846. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES****Significance:** Regulatory Program

**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:** The Immigration Reform and Control Act of 1986 (IRCA) imposes sanctions against employers who hire aliens not authorized to work. Since many of the nation's agricultural employers have become dependent upon such workers to meet production and harvesting needs, Congress created the Special Agricultural Workers (SAW) Program and the Replenishment Agricultural Workers (RAW) Program to grant permanent resident status to certain agricultural workers. To clarify the process through which employers can employ nonimmigrant seasonal and temporary agricultural workers, Congress moved agricultural employment from H-2 classification into a separate H-2A class, and incorporated a labor certification process into the statute. This rule establishes special H-2A regulatory criteria. It supplements the Department

of Labor's rules covering the temporary agricultural labor certification process. This rule amends Service regulations relating therefore to temporary alien workers seeking classification under section 101(a)(15)(H) of the Immigration and Nationality Act.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	51 FR 28576
Interim Final Rule	06/01/87	52 FR 20554
Interim Rule Effective Date	06/01/87	52 FR 20554
Final Action	06/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1302-90 (Cross reference to INS No. 1008-88)

Rule contingent upon Department of Labor final regulations

**Agency Contact:** Jack Rasmussen, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service,

425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

**RIN:** 1115-AA25**1847. IMMIGRATION USER FEE**

**Legal Authority:** 8 USC 1103; 8 USC 1356; 8 CFR 2

**CFR Citation:** 8 CFR 286**Legal Deadline:** None

**Abstract:** This regulation implements changes to 8 CFR 286 as mandated by section 210 of Pub. L. 101-515, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991, which removed some of the exceptions on charging the Immigration User Fee to commercial air travelers and charged the remittance schedule for commercial air generated fees.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal

**Additional Information:** INS No. 1372-92 (Cross reference to INS No.1350-92, RIN 1115-AD06)



## DOJ—INS

## Final Rule Stage

**Agency Contact:** Charles S. Thomason, Systems Accountant, Finance, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6321, Washington, DC 20536, 202 616-7689

**RIN:** 1115-AA30

#### 1848. CONTRACTS WITH TRANSPORTATION LINES

**Legal Authority:** 8 USC 1356

**CFR Citation:** 8 CFR 238.2(b); 8 CFR 238.3(b)

**Legal Deadline:** None

**Abstract:** This action would add or delete the names of airlines under those signatory to an agreement with the U.S. Government for the pre-flight inspection of passengers destined for the United States embarking from various designated foreign locations. In addition it would add or delete the names of transportation companies under those signatory to an agreement with the U.S. Government for the transporting of passengers in direct and continuous transit through the United States destined for a third country.

**Timetable:**

Action	Date	FR Cite
Final Action	01/17/90	55 FR 1578
Final Action Effective	01/17/90	55 FR 1578
At regular intervals updates to this listing will be made by the Immigration Service	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS Nos. 1041-89, 1244-89, 1264-90

**Agency Contact:** Peggy Wong, Associate Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7216, Washington, DC 20536, 202 514-3019

**RIN:** 1115-AA88

#### 1849. SEIZURE AND FORFEITURE OF CONVEYANCES

**Legal Authority:** 8 USC 1324; 28 CFR 9

**CFR Citation:** 8 CFR 274

**Legal Deadline:** None

**Abstract:** This rule would make general revisions to 8 CFR Part 274 to establish more uniformity in handling seizures and forfeitures within the Department of Justice.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1061-92

**Agency Contact:** Daniel J. Stephen, Director, Asset Forfeiture Office, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1202, Washington, DC 20536, 202 616-2480

**RIN:** 1115-AA95

#### 1850. PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL; SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

**CFR Citation:** 8 CFR 212; 8 CFR 242; 8 CFR 244

**Legal Deadline:** None

**Abstract:** Changes to the current regulations are necessitated by the Anti-Drug Abuse Act of 1988 provisions relating to aliens convicted of aggravated felonies. The regulations will delineate when a warrant of deportation may be used in lieu of a warrant of arrest to take an alien into custody.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/19/90	55 FR 24858
Interim Rule Comment Period End	07/19/90	55 FR 24858

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1209-90

**Agency Contact:** Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2207, Washington, DC 20536, 202 514-0747

**RIN:** 1115-AB19

#### 1851. WAIVER OF CERTAIN TYPES OF VISAS

**Legal Authority:** 8 USC 1182; 8 USC 1103; 8 USC 1102; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

**CFR Citation:** 8 CFR 212.1

**Legal Deadline:** None

**Abstract:** This rule would enable INS inspectors to take action on nonimmigrant visa waivers at ports of entry with the presumed concurrence of the Department of State. It will save time for the DOS, INS, and the traveling public.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/91	56 FR 36028
NPRM Comment Period End	08/29/91	56 FR 36028
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1225-90

**Agency Contact:** Diane Hinckley, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-2725

**RIN:** 1115-AB40

#### 1852. ALIENS, EXCLUSION GROUNDS, IMMIGRATION, NATIONALITY, AND WAIVERS OF INADMISSIBILITY

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1201; 8 USC 1304; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1186A; 8 USC 1255; 8 CFR 2; ...

**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 238; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 208; 8 CFR 209; 8 CFR 210; 8 CFR 210a; 8 CFR 213; 8 CFR 223a; 8 CFR 234; 8 CFR 235; 8 CFR 236; ...



## DOJ—INS

## Final Rule Stage

**Legal Deadline:** None

**Abstract:** This regulation provides changes in the exclusion grounds and waivers.

**Timetable:**

Action	Date	FR Cite
NPRM	01/05/90	55 FR 438
NPRM Comment Period End	02/05/90	55 FR 438

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1413-91

Consolidated INS Rules 1304, RIN 1115-AC01; 1235, RIN 1115-AB39; and 1232, RIN 1115-AB45

**Agency Contact:** Edward H. Skerrett, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-5014

**RIN:** 1115-AB45

### 1853. APPREHENSION, CUSTODY, AND DETENTION: CLARIFICATION OF FORCE AND EFFECT OF SERVICE DETAINEES (FORM I-247)

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

**CFR Citation:** 8 CFR 242.2

**Legal Deadline:** None

**Abstract:** This rule will clarify the force and effect of Service detainees and make clear that a Service detainer has no effect upon the alien or correctional institution until the alien has been released from the custody of the correctional institution.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/89	54 FR 29050
NPRM Comment Period End	08/10/89	54 FR 29050
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1219-89

**Agency Contact:** Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service,

425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747

**RIN:** 1115-AB48

### 1854. FIELD OFFICERS; POWERS AND DUTIES; SUBPOENA

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

**CFR Citation:** 8 CFR 287.4

**Legal Deadline:** None

**Abstract:** This rule amends regulations by permitting service of a subpoena to be made by an immigration officer except when the subpoena is issued by a special inquiry officer on behalf of a party other than the Immigration and Naturalization Service.

The rule would permit an immigration officer to ask for a subpoena from an immigration judge. It deletes the Regional Director, Office of Professional Responsibility, as an official who may issue a subpoena and/or designate service of same. The new rule specifically permits the subpoenaing of demonstrative evidence. Finally, the rule authorizes specified Immigration Service officials as well as special inquiry officers, to issue subpoenas on behalf of the service subsequent to commencement of any proceeding.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/91	56 FR 48766
NPRM Comment Period End	10/28/91	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1242-90

**Agency Contact:** Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747

**RIN:** 1115-AB63

### 1855. TERMINATION OF TEMPORARY RESIDENT STATUS

**Legal Authority:** 8 USC 1103; 8 USC 1160; 8 CFR 2

**CFR Citation:** 8 CFR 210.2(e); 8 CFR 210.3(d); 8 CFR 210.4(d)

**Legal Deadline:** None

**Abstract:** This rule amends regulations concerning termination of temporary resident status granted to an alien as a Special Agricultural Worker. This rule will ensure that affected aliens are notified of the grounds alleged for termination of status and are given an opportunity to appeal any adverse decision.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/05/90	55 FR 12629
Interim Rule Effective	04/05/90	55 FR 12629
Interim Rule Comment Period End	05/07/90	55 FR 12629
Final Action	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INS No. 1260-90

**Agency Contact:** Janet Charney, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

**RIN:** 1115-AB74

### 1856. ADJUSTMENT OF STATUS; NURSES

**Significance:** Regulatory Program

**Legal Authority:** PL 101-238

**CFR Citation:** 8 CFR 245

**Legal Deadline:** NPRM, Statutory, March 18, 1990.

In accordance with Pub. L. 101-238 regulations must be promulgated 90 days after enactment of amendment or no later than March 18, 1990.

**Abstract:** This regulation implements sections of Pub. L. 101-238 by providing for adjustment of status, without regard to numerical limitations, for certain H-1 nurses.

**Timetable:**

Action	Date	FR Cite
Interim Rule Effective	03/16/90	55 FR 10395
Interim Final Rule	03/21/90	55 FR 10395
Interim Rule Comment Period End	04/16/90	55 FR 10395
Interim Rule	06/19/91	56 FR 28039



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Action	Date	FR Cite
Interim Rule Effective	06/19/91	56 FR 28039
Interim Rule Comment Period End	07/19/91	56 FR 28039

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1409-91

**Agency Contact:** Rita Boie, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-5014

RIN: 1115-AB76

### 1857. ESTABLISHMENT OF PILOT PROGRAMS TO CHARGE A USER FEE AT SELECTED PORTS OF ENTRY

Legal Authority: 8 USC 1356

CFR Citation: 8 CFR 103; 8 CFR 286; 8 CFR 299

Legal Deadline: None

**Abstract:** This action would be issued subsequent to the passage of a bill amending section 286 to establish an immigration user fee for services for persons entering the United States from contiguous territory and adjacent islands.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/91	56 FR 21917
Interim Rule Effective	06/12/91	56 FR 21918
Interim Rule Comment Period End	08/12/91	56 FR 21918
Final Action	01/00/93	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1263-90, INS No. 1312-91

**Agency Contact:** Donna Kay Barnes, Assistant Chief Inspector, Inspection, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-2725

RIN: 1115-AB78

### 1858. CLAIMS TO ASYLUM OR WITHHOLDING OF DEPORTATION MADE BY ALIENS FLEEING COERCIVE FAMILY PLANNING POLICIES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1252; 8 USC 1226; 8 USC 1253; 8 USC 1283

CFR Citation: 8 CFR 208

Legal Deadline: None

**Abstract:** This rule amends 8 CFR 208 by providing that a claim to asylum or withholding of deportation may be based on persecution or a fear of persecution due to enforcement of any foreign nation's coercive population control policies of forced abortions or sterilization. These humanitarian provisions are necessary in order to provide protection for foreign nationals seeking asylum or withholding of deportation as a result of such policies. The changes will conform with the President's foreign policy and will provide guidance for adjudication of asylum and withholding of deportation claims.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	01/29/90	55 FR 2803
Interim Rule Effective	01/29/90	55 FR 2803
Interim Rule Comment Period End	02/28/90	55 FR 2803

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: DOJ Order No. 1391-90, INS No. J-90

**Agency Contact:** Grover J. Rees, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7048, Washington, DC 20536, 202 514-2895

RIN: 1115-AB86

### 1859. VISA WAIVER PILOT PROGRAM

Legal Authority: 8 USC 1356; 8 USC 1187; 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 217

Legal Deadline: None

**Abstract:** INS Regulation No. 1408-91 amended 8 CFR 217 to enhance the Visa Waiver Pilot Program by permitting nationals of countries

designated for the program to apply for admission at land border ports as well as at airports and seaports.

INS Regulation No. 1447-91 further amends 8 CFR 217 by permitting nationals of 13 additional designated countries, Andorra, Austria, Belgium, Denmark, Finland, Iceland, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, Spain, and San Marino to apply for admission for 90 days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa.

#### Timetable:

Action	Date	FR Cite
NPRM	05/07/91	56 FR 21101
NPRM Comment Period End	05/22/91	56 FR 21101
Final Rule (INS No. 1406-91)	07/18/91	56 FR 32952
Final Rule Effective	07/18/91	56 FR 32952
Interim Final Rule	09/13/91	56 FR 46716
Interim Rule Adding Additional Countries (INS No. 1447-91)	09/13/91	56 FR 46716
Interim Rule Effective	10/01/91	56 FR 46716
Interim Rule Comment Period End	10/15/91	56 FR 46716

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1406-91, INS No. 1447-91

Final action pending-awaiting State Department review of concurrent regulations.

**Agency Contact:** Virginia Gorman, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7123, Washington, DC 20536, 202 514-3995

RIN: 1115-AB93

### 1860. AVAILABILITY OF MATERIAL UNDER THE FREEDOM OF INFORMATION ACT

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 5 USC 552; 5 USC 552a; 31 USC 9701; EO 12356; 8 CFR 2

CFR Citation: 8 CFR 103



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**Legal Deadline:** None

**Abstract:** This regulation amends 8 CFR 103 to be consistent with the current regulations in title 28 of the Code of Federal Regulations as they pertain to the Freedom of Information Act. This change would clarify editorial issues; notify the public of INS procedures for requesting access under the Freedom of Information Program; and it will include a reference to fee requirements and to business information.

**Timetable:**

Action	Date	FR Cite
NPRM	01/07/92	57 FR 2057
NPRM Comment Period End	02/18/92	57 FR 2057

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1318-91

**Agency Contact:** Mildred Carter, Specialist, Information Resources Management, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 5056, Washington, DC 20536, 202 514-1722

**RIN:** 1115-AC15**1861. SUSPENSION OF IMMEDIATE AND CONTINUOUS TRANSIT AGREEMENTS**

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1182c; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1225 to 1228; 8 USC 1252; 8 CFR 2

**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 238

**Legal Deadline:** None

**Abstract:** The provisions for aliens in immediate and continuous transit without visa preclude screening of such aliens prior to their arrival at a port of entry in the United States. This rule revises the appropriate sections of 8 CFR to eliminate a loophole that allows certain unscreened aliens to embark to the United States.

**Timetable:**

Action	Date	FR Cite
Final Action	03/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1319-91

**Agency Contact:** Peggy Wong, Associate Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7123, Washington, DC 20536, 202 514-3019

**RIN:** 1115-AC17**1862. CHANGES IN PROCESSING PROCEDURES FOR CERTAIN APPLICATIONS AND PETITIONS FOR IMMIGRATION BENEFITS**

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 8 USC 1455; 5 USC 552; 5 USC 552a; 28 USC 1748; 31 USC 9701; 8 CFR 2

**CFR Citation:** 8 CFR 103; 8 CFR 214; 8 CFR 223; 8 CFR 223a; 8 CFR 248; 8 CFR 264; 8 CFR 292

**Legal Deadline:** None

**Abstract:** This rule would clarify and streamline evidence rules and the process by which persons may apply and receive certain immigration documents and benefits. It would also revise how the Service notifies applicants and petitioners of decisions, and modify how the Service communicates with applicants and petitioners represented by an attorney or other representatives.

**Timetable:**

Action	Date	FR Cite
NPRM	12/02/91	56 FR 61201
NPRM Comment Period End	01/02/92	56 FR 61201
Final Action	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1324-91

**Agency Contact:** Mike Aytes, Director, Service Center Operations, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4014, Washington, DC 20536, 202 514-3156

**RIN:** 1115-AC20**1863. PETITION FOR ALIEN TO PERFORM AGRICULTURAL LABOR OR SERVICES OF A TEMPORARY OR SEASONAL NATURE (H-2A); PETITION AGREEMENTS**

**Legal Authority:** 8 USC 1103; 8 USC 1184

**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** This rule would propose changes needed to support the centralization of billing for H-2a liquidated damages at the National Fines Office.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1334-91

**Agency Contact:** Thomas Graber, Director, National Fines Office, Department of Justice, Immigration and Naturalization Service, 5205 Leesburg Pike, Suite 112, Falls Church, VA 22041, 703 756-3911

**RIN:** 1115-AC28**1864. TEMPORARY PROTECTED STATUS****Significance:** Regulatory Program

**Legal Authority:** 8 USC 1103; 8 USC 1254a; 8 USC 1254a note; 8 USC 1362; 8 USC 1324a; 8 USC 1101; 8 CFR 2; 28 USC 509; 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1201; 8 USC 1304; 31 USC 9701; ...

**CFR Citation:** 8 CFR 3; 8 CFR 103; 8 CFR 240; 8 CFR 274a; 8 CFR 299

**Legal Deadline:** Final, Statutory, January 1, 1991.

Implementation Date for TPS Program and for Designation of El Salvador

**Abstract:** This rule implements a new section 244A of the Immigration and Nationality Act, established by section 302 of the Immigration Act of 1990, IMMACT, Pub. L. 101-649, November 29, 1990. This rule sets forth procedures for making application for Temporary Protected Status and provides, in accordance with the act, an opportunity for eligible individuals to temporarily remain and work in the United States



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until it is safe for them to return to their homeland.

This regulation also provides for the designation of other countries for Temporary Protected Status and specifies when such designations are to expire and discusses fees for EAD Authorization Document.

**Timetable:****Bosnia TPS (INS No. 1400BOS-92); AG Order 1610-92 (12-mo. period)**

Expires 08/10/93; 08/10/92 (57 FR 35604)

**Employment Authorization Document Fees (INS No. 1453-92)**

Interim Rule 02/13/92 (57 FR 5227)

Interim Rule Effective Date 02/14/92 (57 FR 5227)

Interim Rule Comment Period End 03/16/92 (57 FR 5227)

**Kuwait for TPS Effective Date**

Termination of Designation 03/27/92 (57 FR 2930)

**Kuwait TPS (AG Order No. 1484-91) (12-mo. period)**

Designation 03/27/91 (56 FR 12745)

**Kuwait TPS (INS No. 1400K-92); AG Order No. 1557-92**

Termination of Designation 01/24/92 (57 FR 2930)

**Lebanon TPS (AG Order No. 1485-91) (12-mo. period)**

Designation 03/27/91 (56 FR 12746)

**Lebanon TPS (INS No. 1400LEB-92); AG Order No. 1559-92**

Extension of Designation 01/24/92 (57 FR 2931)

**Lebanon TPS (12-mo. extension until 03/28/93)**

Extension of Designation 01/24/92 (57 FR 2931)

**Liberia TPS (AG Order No. 1483-91) (12-mo. period)**

Designation 03/27/91 (56 FR 12746)

**Liberia TPS (INS No. 1400LIB-92); AG Order No. 1558-92**

Extension of Designation 01/24/92 (57 FR 2932)

**Liberia TPS (12-mo. extension until 03/28/93)**

Extension of Designation Liberia 01/24/92 (57 FR 2932)

**Somalia TPS (INS No. 1374-92)**

Designation 09/16/91 (56 FR 46804)

Unavailability of TWOV 00/00/00

**Somalia TPS (INS No. 1400SOM-92); AG Order 1607-92 (12 mo ext)**

Extension Until 09/17/93; 07/21/92 (57 FR 32232)

**TPS for Salvadorans**

Deferral of Enfd Departure Eff Date 07/01/92 (57 FR 28700)

**TPS for Salvadorans (INS No. 1445-91) (4-mo. period)**

Application Extension Eff Date 07/01/91 (56 FR 41445)

**TPS for Salvadorans (INS No. 1459-92)**

Deferral of Enforced Departure 06/26/92 (57 FR 28700)

**TPS for Salvadorans(INS No. 1445-91) (4-mo. period)**

Application Extension 08/21/91 (56 FR 41445)

**Waiver of Fees; TPS (INS No. 1443-91); AG Order No. —**

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**8 CFR Part 240 - General TPS Rule**

Interim Rule Effective Date 01/02/91 (56 FR 618)

Interim Rule 01/07/91 (56 FR 618)

Interim Rule Comment Period End

02/06/91 (56 FR 618)

Final Rule 05/22/91 (56 FR 23491)

Final Rule Effective Date 05/22/91 (56 FR 23491)

**Small Entities Affected: Undetermined****Government Levels Affected: Federal**

**Additional Information:** INS No. 1400-91; AG Order 1465-91; Additional contact Gerald Hurwitz, EOIR, 703-756-6470.

The Attorney General may designate other countries for TPS.

Cross Reference to INS No. 1443-91, Waiver of Fees; contact Lori Scialabba, INS General Attorney, 202-514-2895.

Cross Reference to INS No. 1453-92, Employment Authorization Document Fees for nationals of El Salvador under TPS; contact Bo Cooper, INS General Attorney, 202-514-2895.

Cross Reference to INS No. 1374-92, Unavailability to Transit Without Visa Procedure to Citizens of Somalia; contact John King, Assistant Chief Inspector, 202-514-2725.

**Agency Contact:** Pearl Chang, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

**RIN:** 1115-AC30

**1865. INTERNATIONAL CULTURAL EXCHANGE VISITORS, Q CLASSIFICATION**

**Significance:** Regulatory Program

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1324a; 8 CFR 2

**CFR Citation:** 8 CFR 214; 8 CFR 274a

**Legal Deadline:** None

**Abstract:** This rule establishes an international cultural exchange visitor program in accordance with section 101(a)(15)(Q) of the Immigration and Nationality Act, as amended by the Immigration Act of 1990 (IMMACT 90).

Under the proposed program, a qualified U.S. employer may petition to the Immigration and Naturalization Service for approval to bring in a nonimmigrant alien in Q classification, for a duration not to exceed 15 months, to engage in pre-arranged employment or training and to share his or her own culture with the U.S. citizens.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/22/91	56 FR 41623
Interim Rule Comment Period End	09/23/91	56 FR 41623
Interim Rule Effective	10/01/91	56 FR 41623

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1402-91

**Agency Contact:** Pearl Chang, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-3241

**RIN:** 1115-AC32

**1866. SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED; VETERANS OF THE U.S. ARMED FORCES WHO SERVED DURING WWI OR WWII OR ENLISTED UNDER ACT OF JUNE 30, 1950, AS AMENDED**

**Legal Authority:** 8 USC 1103; 8 USC 1440 and note; 8 USC 1443; 66 Stat 173; 66 Stat 250; 66 Stat 276

**CFR Citation:** 8 CFR 329

**Legal Deadline:** None

**Abstract:** This rule implements section 405 of the Immigration Act of 1990, Pub. L. 101-649, to allow for the naturalization of natives of the Philippines, based upon certain active-duty military service during WWI, who would not otherwise be eligible for naturalization. Approximately 50,000 persons will be eligible for naturalization as a result of the implementation of this regulation.



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**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/15/91	56 FR 11060
Interim Rule Effective	03/15/91	56 FR 11060
Interim Rule Comment Period End	04/15/91	
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1404-91

**Agency Contact:** Stella Jarina, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-3946

**RIN:** 1115-AC34**1867. APPLICATION FOR THE EXERCISE OF DISCRETION UNDER 212C AGGRAVATED FELONS****Legal Authority:** PL 101-649, Sec 511**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** This regulation implements Section 511 of the Immigration Act of 1990, Pub. L. 101-649, by providing that a lawful permanent resident applying for advance permission to enter the United States under section 212(c) of the Act may not be granted such permission if he or she has been convicted of an aggravated felony and has served a term of imprisonment of at least five years.

This rule also provides that certain specified aliens are ineligible for discretionary relief under section 212(c) of the Act for a period of five years from the date of the barring act, if the alien fails to: appear for deportation, voluntarily departs, or appear at an asylum hearing.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/03/91	56 FR 50033
Interim Rule Effective	10/03/91	56 FR 50033
Interim Rule Comment Period End	11/04/91	56 FR 50033

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal**Additional Information:** INS No. 1405-91

**Agency Contact:** Edward H. Skerrett, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-3240

**RIN:** 1115-AC35**1868. CONSENT TO REAPPLY FOR ADMISSION AFTER DEPORTATION, REMOVAL, OR DEPARTURE AT GOVERNMENT EXPENSE****Significance:** Agency Priority

**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1182(c); 8 USC 1184; 8 USC 1125; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** This rule implements section 514 of the Immigration Act of 1990 (IMMACT 90), Pub. L. 101-649, by extending from ten to twenty years the bar on reentry into the United States after deportation or removal of aliens who are convicted on one of more aggravated felonies. The change applies to admission occurring on or after January 1, 1991.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/21/91	56 FR 23212
Interim Rule Comment Period End	06/20/91	56 FR 23212

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1410-91

**Agency Contact:** Edward H. Skerrett, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-3946

**RIN:** 1115-AC37**1869. APPLICANT PROCESSING FOR FAMILY UNITY BENEFITS****Significance:** Regulatory Program

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1255a note; 8 USC 1362

**CFR Citation:** 8 CFR 242; 8 CFR 103; 8 CFR 243; 8 CFR 264; 8 CFR 274; 8 CFR 299

**Legal Deadline:** Final, Statutory, October 1, 1991.

Public Law 101-649 would make Section 301 effective this date.

**Abstract:** This rule proposes to implement section 301 of the Immigration Act of 1990. It provides for application for family unity benefits (voluntary departure and employment authorization) and sets procedures for applying, adjudication, and appeals to adverse decisions. The public will receive relief from being a deportable alien where none existed before, for those who are eligible.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/91	56 FR 42948
NPRM Comment Period End	09/30/91	
Interim Rule Effective	10/01/91	57 FR 6457
Interim Final Rule	02/25/92	57 FR 6457
Interim Rule Comment Period End	03/26/92	57 FR 6457
Interim Rule Correction	04/21/92	57 FR 14627
Final Action	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1414-91

Additional Service Center Contact, Jack Hartsoch 202-514-5309

**Agency Contact:** Michael L. Aytes, Director Service Center Operations, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4014, Washington, DC 20536, 202 514-3156

**RIN:** 1115-AC39



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**1870. EXEMPTION TO GENERAL PROHIBITION AGAINST APPROVAL OF APPLICATION FOR IMMIGRATION BENEFITS BASED ON MARRIAGE ENTERED INTO DURING DEPORTATION OR EXCLUSION PROCEEDINGS**

**Legal Authority:** PL 101-649, Sec 702

**CFR Citation:** 8 CFR 204; 8 CFR 245

**Legal Deadline:** None

**Abstract:** This regulation would allow a citizen or lawful permanent resident petitioner, or an alien applicant for permanent resident status, to seek an exemption from the general prohibition against approval of immigration benefits based upon a marriage entered into while the beneficiary or applicant was under deportation or exclusion proceedings.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/20/91	56 FR 28311
Interim Rule Effective	06/20/91	56 FR 28311
Interim Rule Comment Period End	07/22/91	56 FR 28311

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1419-91

**Agency Contact:** Rita Boie, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-5014

**RIN:** 1115-AC43

**1871. CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS; BATTERED WIFE EXCEPTION**

**Legal Authority:** PL 101-649, Sec 701

**CFR Citation:** 8 CFR 216

**Legal Deadline:** None

**Abstract:** This rule would amend the existing waiver provisions and establish a third basis for waiving the joint filing requirement to remove the conditional basis of lawful permanent residence for certain alien spouses, sons, and daughters.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/16/91	56 FR 22635
Interim Rule Effective	05/16/91	56 FR 22635
Interim Rule Comment Period End	06/17/91	56 FR 22635

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1423-91

**Agency Contact:** Rita Boie, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-5014

**RIN:** 1115-AC47

**1872. SPECIAL IMMIGRANT STATUS; CERTAIN ALIENS DECLARED DEPENDENT ON A JUVENILE COURT**

**Significance:** Agency Priority

**Legal Authority:** PL 101-649, Sec 153; PL 102-232, Sec 302(d)(2)

**CFR Citation:** 8 CFR 101; 8 CFR 204; 8 CFR 205; 8 CFR 245

**Legal Deadline:** None

**Abstract:** This regulation would establish a procedure for classification of certain aliens who have been declared dependent on a juvenile court in the United States as special immigrants.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/21/91	56 FR 23207
Interim Rule Effective	05/21/91	56 FR 23207
Interim Rule Comment Period End	06/20/91	56 FR 23207
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Additional Information:** INS No. 1424-91

**Agency Contact:** Rita Boie, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street

NW., Room 7223, Washington, DC 20536, 202 514-5014

**RIN:** 1115-AC48

**1873. TREATY ALIENS, E CLASSIFICATION**

**Significance:** Regulatory Program

**Legal Authority:** 8 USC 1103; 8 USC 1184; 8 CFR 2

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** This rule would codify existing policy guidelines regarding the classification of nonimmigrant treaty aliens.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/91	56 FR 42952
NPRM Comment Period End	10/15/91	
Final Action	05/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1427-91

**Agency Contact:** Michael L. Shaul, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-3043

**RIN:** 1115-AC51

**1874. ADMINISTRATIVE NATURALIZATION**

**Significance:** Regulatory Program

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 8 USC 1424; 8 USC 1425; 8 USC 1426; 8 USC 1427; 8 USC 1429; 8 USC 1433; 8 USC 1443; 8 USC 1447; 8 USC 1448; 8 USC 1454; 8 CFR 2.1

**CFR Citation:** 8 CFR 103; 8 CFR 299; 8 CFR 310; 8 CFR 312; 8 CFR 313; 8 CFR 315; 8 CFR 316; 8 CFR 319; 8 CFR 322; 8 CFR 324; 8 CFR 325; 8 CFR 327; 8 CFR 328; 8 CFR 329; 8 CFR 330; ...

**Legal Deadline:** Final, Statutory, October 1, 1991.

**Abstract:** The Immigration Act of 1990, Pub. L. 101-649, (IMMACT) conferred upon the Attorney General, as of October 1, 1991, the responsibility for making final determinations on applications for naturalization. This regulation provides for the



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implementation of the new administrative system and serves to codify those essential substantive and procedural requirements for naturalization provided by statute and previous judicial interpretations and precedent. The rule also makes those technical and administrative changes as are necessary to allow for more efficiency in administering the naturalization provisions, and provides additional guidance and clarification to Service officials.

**Timetable:**

Action	Date	FR Cite
Interim Rule Effective	10/01/91	56 FR 50475
Interim Final Rule	10/07/91	56 FR 50475
Interim Rule Comment Period End	11/21/91	56 FR 50475

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1435-91; AG Order No. (to be assigned)

**Agency Contact:** Stella Jarina, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-5014

**RIN:** 1115-AC58**1875. RELEASE PROCEDURES; LAWFUL PERMANENT RESIDENTS CONVICTED OF AGGRAVATED FELONIES**

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186A; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2; 104 Stat 4978; 100 Stat 3537; 66 Stat 173; 66 Stat 208; 66 Stat 214; 66 Stat 235

**CFR Citation:** 8 CFR 242**Legal Deadline:** None

**Abstract:** This regulation provides the procedures to be followed in determining release conditions for lawfully admitted aliens who are in deportation proceedings and who have been convicted of aggravated felonies as defined in section 101(a)(43) of the Immigration and Nationality Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/21/91	56 FR 23214
Interim Final Rule Effective Date	05/21/91	56 FR 23214
Interim Final Rule Comment Period End	06/20/91	56 FR 23214
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal**Additional Information:** INS No. 1439-91

**Agency Contact:** Gale David, Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1102, Washington, DC 20536, 202 514-1954

**RIN:** 1115-AC60**1876. ASYLUM AND WITHHOLDING OF DEPORTATION PROCEDURES; AGGRAVATED FELONS**

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1254; 8 USC 1282; 8 USC 1283; 8 USC 1285; 8 USC 1362

**CFR Citation:** 8 CFR 208; 8 CFR 236; 8 CFR 242**Legal Deadline:** None

**Abstract:** This regulation implements section 515 of the Immigration Act of 1990 (IMMACT), Pub. L. 101-649, which provides that an alien who has been convicted of an aggravated felony, is ineligible for asylum, and is ineligible for withholding of deportation on the basis of having been convicted of a particularly serious crime.

The elimination of these forms of relief from deportation for aggravated felons applies to applications filed on or after November 29, 1990.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal

**Additional Information:** INS No. 1412-91; AG Order No. (to be assigned upon signature)

**Agency Contact:** Christine Davidson, Senior Policy Analyst, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, 202 633-4389

**RIN:** 1115-AC66**1877. ASYLUM APPLICATION MAIL-IN PROGRAM TO ASYLUM OFFICES ISSUANCE OF CHARGING DOCUMENTS IN EXCLUSION AND DEPORTATION PROCEEDINGS BY SUPERVISORY ASYLUM OFFICERS**

**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283; 66 Stat 173

**CFR Citation:** 8 CFR 100; 8 CFR 208; 8 CFR 235; 8 CFR 242**Legal Deadline:** None

**Abstract:** This rule establishes procedures to be used in filing for asylum under section 208, and withholding of deportation under section 243(h) of the Immigration and Nationality Act, as amended by the Refugee Act of 1980, Pub. L. 96-212.

The rule modifies the final rule on asylum adjudication published on July 27, 1990 at 55 FR 30674.

It establishes seven Asylum Offices and their jurisdictions; and also indicates how asylum and withholding of deportation applications should be filed by mail with these offices instead of with Service district offices and suboffices.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/09/91	56 FR 50810
Interim Rule Effective	10/09/91	56 FR 50810
Public Notice for filing applications for asylum in the US under Sec. 208 INA	07/17/92	57 FR 27068

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1343-91

INS No. 1382-92



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**Agency Contact:** Irma Rios, Senior Asylum Officer, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, 202 633-4389

**RIN:** 1115-AC67

**1878. TEMPORARY ALIEN WORKERS SEEKING CLASSIFICATION UNDER THE IMMIGRATION AND NATIONALITY ACT**

**Significance:** Regulatory Program

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186A; 8 USC 1187; 8 CFR 2; 8 USC 1104

**CFR Citation:** 8 CFR 214; 8 CFR 214.2

**Legal Deadline:** None

**Abstract:** This regulation implements provisions of the Immigration Act of 1990 (IMMACT), Pub. L. 101-649, as they relate to temporary alien workers seeking nonimmigrant classification and admission to the US under sections 101(a)(15)(H),(L),(O), and (P) of the Immigration and Nationality Act.

This rule also contains technical amendments which reflect the Service's operating experience under the H and L classifications.

This rule will conform Service policy to the intent of Congress as it relates to these classifications, implement new nonimmigrant classifications and requirements established by IMMACT, and clarify for businesses and the general public requirements for classification, admission, and maintenance of status.

INS Regulation 1452-92 alters some of the procedures required to petition for an H-1B nonimmigrant and also describes the eligibility criteria for foreign physicians. The rule clarifies new requirements for eligibility and admission.

INS Regulation 1454-92 implements provisions of Pub. L. 102-232 concerning aliens eligible for H-1B, O, and P classifications.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/91	56 FR 31553
NPRM Comment Period End	08/12/91	56 FR 31553
Final Rule Effective for INS No. 1417-91	10/01/91	56 FR 61111

Action	Date	FR Cite
Final Rule for INS No. 1417-91	12/02/91	56 FR 61111
Final Rule Correction for INS No. 1417-91	01/08/92	57 FR 749
Interim Rule Effective for INS No. 1452-92	03/31/92	57 FR 12177
Interim Rule Effective for INS No. 1454-92	04/01/92	57 FR 12177
Interim Rule for INS No. 1452-92	04/09/92	57 FR 12177
Interim Rule for INS No. 1454-92	04/09/92	57 FR 12179
Interim Rule Comment Period End for INS No. 1452-91	06/08/92	
Interim Rule Comment Period End for INS No. 1454-92	06/08/92	

Next Action Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1417-91, INS No. 1452-92 (H-1B), INS No. 1454-92 (H-1B, O, and P nonimmigrant classifications).

**Agency Contact:** John Brown, Senior Immigration Examiner, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7215, Washington, DC 20536, 202 514-3240

**RIN:** 1115-AC72

**1879. REVISION OF GROUNDS FOR DEPORTATION; CONFORMING REGULATIONS**

**Legal Authority:** 8 USC 1103; 8 USC 1184; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

**CFR Citation:** 8 CFR 210a; 8 CFR 214; 8 CFR 241; 8 CFR 242

**Legal Deadline:** Final, Statutory, March 1, 1991.

Public Law 101-649

**Abstract:** This regulation provides technical amendments to 8 CFR parts

210a, 214, 241, and 242 to bring these sections into conformance with Section 241 of the Immigration and Nationality Act, as amended by Section 602 of the Immigration Act of 1990, Pub. L. 101-649.

**Timetable:**

Action	Date	FR Cite
Interim Rule Effective	03/01/91	56 FR 38332
Interim Final Rule	08/13/91	56 FR 38331
Interim Rule Comment Period End	09/27/91	56 FR 38332
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1438-91

**Agency Contact:** Gale David, Detention and Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1102, Washington, DC 20536, 202 514-1954

**RIN:** 1115-AC86

**1880. MARIEL CUBAN PAROLE DETERMINATIONS**

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

**CFR Citation:** 8 CFR 212

**Legal Deadline:** None

**Abstract:** This rule revises and expands the discretionary authority of the INS under the Cuban Review Plan, to withdraw parole approval for excludable Mariel Cubans where circumstances make it impossible to execute the parole decision, and release of the detainee is contrary to the public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/07/91	56 FR 21100
NPRM Comment Period End	06/06/91	56 FR 21100

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1344-91

AG Order No. 1492-91



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**Agency Contact:** Joan Lieberman, Assistant General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7048, Washington, DC 20536, 202 514-1932

**RIN:** 1115-AC90

### 1881. FEES FOR PROCESSING CERTAIN ASYLEE/REFUGEE RELATED APPLICATIONS

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 8 USC 1150; 8 USC 1226; 8 USC 1252; ...

**CFR Citation:** 8 CFR 103; 8 CFR 208

**Legal Deadline:** None

**Abstract:** This regulation would have the INS and the Executive Office for Immigration Review (EOIR) charge fees for processing certain asylee/refugee related applications.

**Timetable:**

Action	Date	FR Cite
NPRM	01/14/92	57 FR 1404
NPRM Comment Period End	02/14/92	57 FR 1404
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1347-91 (AG Order 1554-92)

**Agency Contact:** Tom Thomason, Systems Accountant, Finance, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6321, Washington, DC 20536, 202 616-7689

**RIN:** 1115-AC93

### 1882. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 5 USC 552; 5 USC 552A; 31 USC 9701; 3 CFR 1982 Comp, p 166; 8 CFR 2

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** This regulation would add Forensic Document Analysts and Fingerprint Specialists, which were previously omitted, to the list of

immigration officers contained in 8 CFR 103.1.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1348-91

**Agency Contact:** John Camp, Director, INS/FOL, Intelligence, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7311, Washington, DC 20536, 202 514-2964

**RIN:** 1115-AC94

### 1883. NAME CHANGE FOR BORDER PATROL SECTOR NUMBER 3 AND SECTOR NUMBER 2

**Legal Authority:** 8 USC 1103; 66 Stat 173; 8 CFR 2

**CFR Citation:** 8 CFR 100

**Legal Deadline:** None

**Abstract:** INS regulation 1349-91 changes the name of Mayaguez, Puerto Rico to Ramey, Puerto Rico.

INS regulation 1511-92 changes the names of three border patrol stations located in sector number 2 as follows: Malone, New York becomes Burke, New York; Rouses Point, New York becomes Champlain, New York; and Derby Line, Vermont becomes Newport, Vermont.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1349-91 and 1511-92

**Agency Contact:** Marion Moody, Assistant Chief Patrol Agent, Border Patrol Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7227, Washington, DC 20536, 202 514-1109

**RIN:** 1115-AC95

### 1884. DISTRIBUTION OF SERVICE FORMS

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 CFR 2

**CFR Citation:** 8 CFR 299

**Legal Deadline:** None

**Abstract:** This regulation would place the distribution of Service forms under the Associate Commissioner for Examinations.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1352-91

**Agency Contact:** E. B. Duarte, Director, Examinations Operations Support Program, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, 202 786-3587

**RIN:** 1115-AC97

### 1885. CONTRACTS WITH TRANSPORTATION LINES; DOCUMENTARY REQUIREMENTS

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1182C; 8 USC 1184; 8 USC 1186A; 8 USC 1187; 8 USC 1225; 8 USC 1228; 8 USC 1228; 8 USC 1252; 8 USC 1356; 8 CFR 2

**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 238

**Legal Deadline:** None

**Abstract:** This regulation modifies elements of transit without visa provisions. It would add or delete at regular intervals the names of airlines under signatory agreement with the U.S. Government for the pre-flight inspection of passengers destined for the United States embarking from various designated foreign locations. The regulation would also add or delete the names of transportation companies under signatory agreement with the U.S. Government for the transporting of passengers in direct and continuous transit through the United States destined for a third country.



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**Timetable:**

Action	Date	FR Cite
Final Action	01/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1364-91

**Agency Contact:** Peggy Wong, Associate Chief Inspector, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7216, Washington, DC 20536, 202 514-3019

RIN: 1115-AD01

**1886. IMPLEMENTATION OF INTERNAL REORGANIZATION OF THE IMMIGRATION AND NATURALIZATION SERVICE****Significance:** Agency Priority

**Legal Authority:** 6 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 5 USC 552; 5 USC 552A; 31 USC 9701; 66 Stat 173; 3 CFR 1982 Comp, p 166; 8 CFR 2

**CFR Citation:** 8 CFR 100; 8 CFR 103**Legal Deadline:** None

**Abstract:** This regulation revises the existing organizational structure within the Immigration and Naturalization Service. The reorganization plan was approved by Attorney General Thornburgh on April 19, 1991.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1500-91

**Agency Contact:** Edward Lynch, Director, Office of Strategic Planning, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6042, Washington, DC 20536, 202 514-2199

RIN: 1115-AD03

**1887. DETENTION AND RELEASE OF JUVENILES, AGGRAVATED FELONS**

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1186A; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2; 104 Stat 4978; 66 Stat 173; 66 Stat 208; 66 Stat 214; 66 Stat 235; 100 Stat 3537

**CFR Citation:** 8 CFR 242**Legal Deadline:** None

**Abstract:** This regulation would amend 8 CFR 242.24 to conform with the mandatory detention requirements for aggravated felons required by Pub. L. 101-649. The regulation would specifically address release procedures for juvenile aliens who are Lawful Alien Permanent Residents (LAPRs) and who have been convicted of aggravated felonies as defined in section 101(a)(43) of the INA.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1366-91

**Agency Contact:** Gale David, Detention and Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1102, Washington, DC 20536, 202 514-1954

RIN: 1115-AD04

**1888. SPECIAL IMMIGRANT STATUS; ALIENS WHO HAVE SERVED HONORABLY (OR ARE ENLISTED TO SERVE) IN THE ARMED FORCES OF THE UNITED STATES FOR AT LEAST TWELVE YEARS**

**Legal Authority:** 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1255a; 8 USC 1255a note

**CFR Citation:** 8 CFR 103; 8 CFR 204; 8 CFR 245**Legal Deadline:** None

**Abstract:** Will provide aliens serving honorably in the Armed Forces of the United States with a means to be granted permanent residence and in most cases, United States citizenship, based upon their military service.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/31/92	57 FR 33859
Interim Rule Comment Period End	08/31/92	57 FR 33859
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** INS No. 1450-91

**Agency Contact:** Susan A. Dugas, Senior Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7215, Washington, DC 20536, 202 514-5014

RIN: 1115-AD05

**1889. APPLICATION FOR EXTENSION OR REINSTATEMENT OF VOLUNTARY DEPARTURE**

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1201; 8 USC 1252; 8 USC 1254; 8 USC 1304; 8 USC 1356; 8 CFR 2; 31 USC 9701

**CFR Citation:** 8 CFR 100; 8 CFR 103; 8 CFR 242; 8 CFR 244; 8 CFR 299**Legal Deadline:** None

**Abstract:** This regulation will require the use of a form application (for a fee) to apply for the benefits of extension and reinstatement of voluntary departure, where previously the request process was informal. Service form I-246 (Application for Stay of Deportation) is being amended to include this application in conjunction with the proposed rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1371-92

**Agency Contact:** Gale David, Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1102, Washington, DC 20536, 202 514-1958

RIN: 1115-AD07

**1890. ● ADMISSION OF REFUGEES; FINGERPRINTING**

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157; 8 USC 1159; 8 USC 1182

**CFR Citation:** 8 CFR 207**Legal Deadline:** None



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**Abstract:** This regulation amends the procedures to be used in adjudicating refugee resettlement applications under section 207 of the Immigration and Nationality Act by removing the fingerprinting requirement for refugee applicants 14 years of age or older.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1510-92

**Agency Contact:** Janelle Jones, Refugee Officer, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, 202 633-4389

RIN: 1115-AD08

**1891. PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS****Legal Authority:** 8 USC 1103; 8 USC 1224**CFR Citation:** 8 CFR 234**Legal Deadline:** None

**Abstract:** This regulation is implemented in conjunction with regulations issued by the Department of Health and Human Services, Public Health Service. The rule amends 8 CFR 234 to implement section 601(a) of the Immigration Act of 1990, Pub. L. 101-649 (IMMACT).

The rule ensures implementation and regulatory compliance with IMMACT as it relates to the physical and mental examination of aliens arriving into the United States. The rule also serves to provide guidance for the designation of civil surgeons.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1448-92

**Agency Contact:** Edward H. Skerrett, Senior Immigration Examiner, Examinations, Department of Justice,

Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-3946

RIN: 1115-AD10

**1892. ● EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE****Legal Authority:** 8 USC 1101, note**CFR Citation:** 28 CFR 65**Legal Deadline:** None

**Abstract:** The regulation amends part 65 of title 28 of the Code of Federal Regulations by adding a new subpart I entitled, Immigration Emergency Fund. This new part establishes procedures for State and local governments to obtain reimbursement from the Attorney General, up to a maximum of \$20,000,000, from the immigration emergency fund for services provided at the Attorney General's request to aid in the enforcement of the U.S. immigration laws.

**Timetable:**

Action	Date	FR Cite
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NPRM 01/14/92 57 FR 1439

NPRM Comment 02/13/92 57 FR 1439  
Period End

Final Action 11/00/92

**Small Entities Affected:** Undetermined**Government Levels Affected:** Local, State, Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** INS No. 1449-91

**Agency Contact:** Michael J. Coster, Associate General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7048, Washington, DC 20536, 202 514-2895

RIN: 1115-AD11

**1893. ● ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: INTERVIEW****Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2**CFR Citation:** 8 CFR 245**Legal Deadline:** None

**Abstract:** This rule removes 8 CFR 245.9 which requires that all applicants for adjustment of status to that of permanent residence be interviewed by an immigration officer, except those applicants who are under the age of 14, or who are clearly ineligible for having lived or worked illegally in the United States or who, prior to November 20, 1990, filed an application under the provisions of the Cuban Adjustment Act of November 2, 1966.

This rule will remove the mandatory interview requirement in favor of the discretionary use of the interview for adjustment of status.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INS No. 1373-92

**Agency Contact:** Jerry R. Uhde, Senior Immigration Examiner, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7215, Washington, DC 20536-0002, 202 514-5014

RIN: 1115-AD12

**1894. ● AUTOMATIC CONVERSION OF CLASSIFICATION OF BENEFICIARY****Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186; 8 USC 1255; 8 CFR 2**CFR Citation:** 8 CFR 204**Legal Deadline:** None

**Abstract:** This rule reinstates the process for the automatic conversion of classification of a beneficiary of an approved Form I-130, Immigrant Petition for Relative, Fiance(e), or Orphan, which was inadvertently removed from regulation published at 56 FR 60897, November 29, 1991.

**Timetable:**

Action	Date	FR Cite
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Final Action 12/00/92

**Small Entities Affected:** None**Government Levels Affected:** Federal



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**Additional Information:** INS No. 1456-92  
 INS No. 1434-91, RIN 1115-AC59  
**Agency Contact:** Yolanda Sanchez-K, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7216, Washington, DC 20536, 202 514-5014  
**RIN:** 1115-AD14

**1895. ● PRECOMPLETION INTERVAL TRAINING; F-1 STUDENT WORK AUTHORIZATION**

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1324a  
**CFR Citation:** 8 CFR 214; 8 CFR 274a  
**Legal Deadline:** None

**Abstract:** The regulation restores the ability of foreign students to engage in practical training prior to completion of their course of study and will also provide employment authorization for F-1 students based upon severe economic hardships. Pre-completion training is necessary to permit students to accept short term employment that furthers their academic studies before the students have graduated.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/20/92	57 FR 31954
Interim Rule Effective	07/20/92	57 FR 31954
Interim Rule Comment Period End	09/18/92	57 FR 31954
Final Action	12/00/92	

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Federal  
**Additional Information:** INS No. 1458-92  
**Agency Contact:** William Tollifson, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-3240  
**RIN:** 1115-AD16

**1896. ● CHANGING DEFINITION OF EXTERNAL BOUNDARY OF THE UNITED STATES**

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1357; 8 CFR 2  
**CFR Citation:** 8 CFR 287  
**Legal Deadline:** None

**Abstract:** This rule implements Presidential Proclamation 5928 dated December 27, 1988, which extends the territorial sea of the United States to 12 nautical miles from the baselines of the United States. This rule amends existing regulations to reflect the changes made by the Presidential Proclamation.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions  
**Government Levels Affected:** Federal  
**Additional Information:** INS No. 1383-92

**Agency Contact:** Ira Frank, Senior Special Agent, Investigations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 2207, Washington, DC 20536, 202 514-0747  
**RIN:** 1115-AD19

**1897. ● CONTRACTS WITH TRANSPORTATION LINES; SIGNATORY AUTHORITY**

**Legal Authority:** 8 USC 1103; 8 USC 1228; 8 CFR 2  
**CFR Citation:** 8 CFR 238  
**Legal Deadline:** None

**Abstract:** This rule amends 8 CFR 238 by delegating signatory authority to enter into contracts under the purview of Section 238 of the Immigration and Nationality Act, to the Executive Associate Commissioner for Operations.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Federal  
**Additional Information:** INS No. 1376-92  
**Agency Contact:** Harold Woodward, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-5014  
**RIN:** 1115-AD27

**DEPARTMENT OF JUSTICE (DOJ)  
 Immigration and Naturalization Service (INS)**

**Completed Actions**

**1898. CHANGES TO CHAPTER 15 OF THE U.S.-CANADA FREE-TRADE AGREEMENT**

**CFR Citation:** 8 CFR 214

**Completed:**

Reason	Date	FR Cite
Final Action	07/28/92	57 FR 33272
Final Action Effective	08/12/92	57 FR 33272

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Edward H. Skerrett, 202 514-3946  
**RIN:** 1115-AB72

**1899. STUDENT EMPLOYMENT AUTHORIZATION PROCEDURES**

**CFR Citation:** 8 CFR 214; 8 CFR 274a

**Completed:**

Reason	Date	FR Cite
Merged with RIN	08/18/92	

1115-AC33,  
 INS 1403

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Federal  
**Agency Contact:** Pearl Chang, 202 514-3946  
**RIN:** 1115-AB94

**1900. RESCISSION OF ADJUSTMENT OF STATUS**

**CFR Citation:** 8 CFR 246



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## Completed Actions

**Completed:**

Reason	Date	FR Cite
Withdrawn by program office	08/18/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Macella Moglia, 202 514-5014

**RIN:** 1115-AB98

**1901. DETENTION OF CREWMEN PRIOR TO EXAMINATION**

**CFR Citation:** 8 CFR 252

**Completed:**

Reason	Date	FR Cite
Cancelled by the Program Office due to inclusion of material in RIN 1115-AC76, INS 1336-92	08/12/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** John King, 202 514-2725

**RIN:** 1115-AC25

**1902. TRANSITION FOR EMPLOYEES OF CERTAIN U.S. BUSINESSES OPERATING IN HONG KONG**

**Significance:** Regulatory Program

**CFR Citation:** 8 CFR 204

**Completed:**

Reason	Date	FR Cite
Final Action	04/23/92	57 FR 14791
Final Action Effective	04/23/92	57 FR 14791

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Edward H. Skerrett, 202 514-3946

**RIN:** 1115-AC31

**1903. NONIMMIGRANT CLASSES: STUDENTS**

**Significance:** Regulatory Program

**CFR Citation:** 8 CFR 214; 8 CFR 274a

**Completed:**

Reason	Date	FR Cite
Final Action	10/29/91	56 FR 55603
Final Action Effective	10/29/91	56 FR 55603

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Pearl Chang, 202 514-3240

**RIN:** 1115-AC33

**1904. PENALTIES FOR DOCUMENT FRAUD**

**CFR Citation:** 8 CFR 270

**Completed:**

Reason	Date	FR Cite
Final Action	07/31/92	57 FR 33862
Final Action Effective	07/31/92	57 FR 33862

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Jill Arndt, 202 514-3093

**RIN:** 1115-AC38

**1905. DENIAL OF CREWMAN STATUS IN THE CASE OF CERTAIN LABOR DISPUTES AND SPECIFICATIONS OF AUTHORIZED EMPLOYMENT**

**CFR Citation:** 8 CFR 214; 8 CFR 258; 8 CFR 251

**Completed:**

Reason	Date	FR Cite
Final Action	09/08/92	57 FR 40830
Final Action Effective	09/08/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Michael Jaromin, 202 514-3275

**RIN:** 1115-AC42

**1906. FAMILY SPONSORED IMMIGRANTS**

**CFR Citation:** 8 CFR 204

**Completed:**

Reason	Date	FR Cite
Final Action	09/09/92	57 FR 41053
Final Action Effective	09/09/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Yolanda Sanchez-K., 202 514-5014

**RIN:** 1115-AC45

**1907. ADJUSTMENT PROCEDURES FOR ALIENS GRANTED ASYLUM**

**Significance:** Regulatory Program

**CFR Citation:** 8 CFR 209

**Completed:**

Reason	Date	FR Cite
Final Action	09/17/92	57 FR 42883
Final Action Effective	09/17/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Marilyn Lee, 202 633-4389

**RIN:** 1115-AC50

**1908. ● PORTS OF ENTRY TO ACCEPT APPLICATION FOR DIRECT TRANSIT WITHOUT VISAS**

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 CFR 2

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** The rule adds Orlando, Florida to the list of ports of entry cited in 8 CFR 214.2(c)(1) where, except for transit from one part of a foreign contiguous territory to another part of the same territory, an alien must make application for admission to the US as a direct transit without visa.

**Timetable:**

Action	Date	FR Cite
Final Action	07/29/92	57 FR 33425
Final Action Effective	07/29/92	57 FR 33425

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1369-92

**Agency Contact:** Richard Gottlieb, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7123, Washington, DC 20536, 202 514-2680

**RIN:** 1115-AC87



## DOJ—INS

## Completed Actions

**1909. ● WAIVER OF FEES;  
TEMPORARY PROTECTED STATUS**

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1242; 8 USC 1244; 8 USC 1264; 8 USC 1286

**CFR Citation:** 8 CFR 103; 8 CFR 240

**Legal Deadline:** None

**Abstract:** This rule redesignates 8 CFR 240.48 as 8 CFR 240.20 and revises certain provisions of the interim Temporary Protected Status (TPS) rule concerning the procedures to request waivers of fees for applications for TPS filed with district directors and service center directors.

**Timetable:**

Action	Date	FR Cite
Final Action	08/05/92	57 FR 34506
Final Action Effective	08/05/92	57 FR 34506

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1443-92; AG Order 1609-92

Cross reference to INS regulations controlled under RIN 1115- AC30.

**Agency Contact:** Janet Thomas, Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

**RIN:** 1115-AC96

**1910. ● N-NONIMMIGRANT CLASSES;  
CONTROL OF EMPLOYMENT OF  
ALIENS**

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1324a; 8 CFR 2

**CFR Citation:** 8 CFR 214; 8 CFR 274a

**Legal Deadline:** None

**Abstract:** This rule expands the list of aliens authorized to accept employment in the US by including those nonimmigrant classifications created by the Immigration Act of 1990.

**Timetable:**

Action	Date	FR Cite
Final Action	09/17/92	57 FR 42884
Final Action Effective	09/17/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1455-92

**Agency Contact:** Michael Shaul, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-3240

**RIN:** 1115-AD13

**DEPARTMENT OF JUSTICE (DOJ)  
Legal Activities (LA)**

## Prerule Stage

**1911. 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
Next Action	Undetermined	

Next Action Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Sectors Affected:** Multiple

**Analysis:** Regulatory Impact Analysis

**Agency Contact:** John J. Wilson, Associate General Counsel, Department of Justice, 633 Indiana Avenue, NW., Room 1246E, Washington, DC 20531, 202 307-0790

**RIN:** 1105-AA05

**DEPARTMENT OF JUSTICE (DOJ)  
Legal Activities (LA)**

## Proposed Rule Stage

**1912. CRIMINAL FINES  
ENFORCEMENT**

**Legal Authority:** 18 USC 3013(b); 18 USC 3613; 18 USC 3663(h); 26 USC 7805

**CFR Citation:** 28 CFR 72

**Legal Deadline:** None

**Abstract:** The Sentencing Reform Act of 1984 makes certain tax collection provisions of the Internal Revenue Code applicable to the collection of criminal

fines. The proposed rule is intended to facilitate the collection of criminal fines by modifying the tax collection provision to better reflect the difference in the nature of tax and fine liabilities.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Agency Contact:** Nancy L. Rider, Assistant Director, Financial Litigation Staff, EOUSA, Department of Justice, Room 6404, 601 D Street NW., Washington, DC 20530, 202 501-7017

**RIN:** 1105-AA16



## DEPARTMENT OF JUSTICE (DOJ)

Final Rule Stage

## Legal Activities (LA)

1913. NEW RESTRICTIONS ON  
OBBYING**Significance:** Regulatory Program**Legal Authority:** PL 101-121, Sec 319;  
31 USC 1352; 42 USC 3711 et seq; 42  
USC 5601 et seq; 18 USC 4042; 42 USC  
10601; 18 USC 4351 to 4353**CFR Citation:** 28 CFR 69**Legal Deadline:** None**Abstract:** This interim final rule is in response to section 319 of PL 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan or a Federal commitment to insure or guarantee a loan, must disclose lobbying activities.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6751

Next Action Undetermined

**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Local, State**Agency Contact:** Cynthia Schwimer, Manager, Financial Services Branch, Financial Grants Mgt. Admin. Div. (OC), Department of Justice, 633Indiana Avenue NW., Room 942,  
Washington, DC 20745, 202 307-3186**RIN:** 1105-AA121914. UNFAIR IMMIGRATION-  
RELATED EMPLOYMENT PRACTICES**Significance:** Regulatory Program**Legal Authority:** 8 USC 1324b**CFR Citation:** 28 CFR 44.100 to 44.305**Legal Deadline:** None**Abstract:** This section prohibits discrimination on the basis of national origin and citizenship status. The existing regulations implementing the anti-discrimination provisions of section 274B of the Immigration and Nationality Act, 8 U.S.C. 1324b, need to be modified to incorporate the Immigration Act of 1990 amendments. As currently written, portions of the existing regulations conflict with the amended statute. This conflict creates a significant problem in the enforcement and the comprehension of the anti-discrimination provisions. In addition, as the case law develops under this new statute, two issues have arisen. First, many issues have not been addressed or defined by the statute or regulations. Second, while it is possible for these issues to be decided on a case by case basis, the case law is not reported by any service. This has created a significant problem in the comprehension of the anti-discrimination provisions. The main objectives of this rulemaking will be to eliminate contradictions, to incorporate additions, to promote a better understanding of the anti-discrimination

provisions, and to determine whether additional clarification of the (cont)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/14/91	56 FR 40247
Interim Final Rule Effective Date	08/14/91	
Interim Final Rule Comment Period End	10/15/91	

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** ABSTRACT CONT: anti-discrimination provisions would promote a better understanding of the anti-discrimination provisions and lead to a decline in employer's discriminatory practices.

This entry was incorrectly listed under the Civil Rights Division in the April 1991 edition of the agenda.

**Agency Contact:** Andrew M. Strojny, Deputy Special Counsel, Department of Justice, P.O. Box 65490, Washington, DC 20035-5490, 202 653-8121**RIN:** 1105-AA17

## DEPARTMENT OF JUSTICE (DOJ)

Completed Actions

## Legal Activities (LA)

1915. CLAIMS UNDER THE  
RADIATION EXPOSURE  
COMPENSATION ACT**Significance:** Regulatory Program**CFR Citation:** 28 CFR 79**Completed:**

Reason	Date	FR Cite
Final Action	04/10/92	57 FR 12428
Final Action Effective	05/11/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Helene M. Goldberg, 202 501-7020**RIN:** 1105-AA15



**DEPARTMENT OF JUSTICE (DOJ)**  
**Office of Justice Programs (OJP)**

Prerule Stage

**1916. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS**

Significance: Regulatory Program

**Legal Authority:** 42 USC 3711 et seq, as amended; 42 USC 5601 et seq, as amended; 42 USC 10601 et seq, as amended; 18 USC 4042; 18 USC 4351 to 4353; EO 12291

CFR Citation: 28 CFR 66

Legal Deadline: None

**Abstract:** This common rule will replace OMB Circular A-110 which provides uniform administrative requirements for Grant and Cooperative Agreements to Institutions of Higher Education, Hospitals and other Nonprofit Organizations. This rule specifies governmentwide terms and conditions for grants and cooperative agreements.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Stacy Worthington, Financial Analyst, Office of the Comptroller, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531, 202 307-0623

RIN: 1121-AA18

**DEPARTMENT OF JUSTICE (DOJ)**  
**Office of Justice Programs (OJP)**

Proposed Rule Stage

**1917. CRIMINAL JUSTICE INFORMATION SYSTEMS**

Legal Authority: 42 USC 3789g

CFR Citation: 28 CFR 20

Legal Deadline: None

**Abstract:** To change Office and Bureau nomenclature to comply with changes resulting from the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, and to delete obsolete terminology.

**Timetable:**

Action	Date	FR Cite
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NPRM	11/00/92	
NPRM Comment	12/00/92	
Period End		

Small Entities Affected: None

**Government Levels Affected:** Local, State

**Agency Contact:** Paul Kendall, Attorney-Advisor, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW., Room 1246E, Washington, DC 20531, 202 307-0793

RIN: 1121-AA13

**1918. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FORMULA GRANTS REGULATIONS**

Significance: Regulatory Program

**Legal Authority:** 42 USC 5601 et seq; Juv. Justice & Delinquency Prevention Act of 1974 as amended

CFR Citation: 28 CFR 31

Legal Deadline: None

**Abstract:** These regulations, which implement sections 223(a)(12)(A), 223(a)(13), and 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974, 42 USC 5601 et seq., as amended by the Juvenile Justice and Delinquency Prevention Amendments of 1988, 1984, and 1980, are being amended to reflect more clarity, uniformity, consistency, for the States, and more latitude for the Administrator on implementing the requirements of the Act.

**Timetable:**

Action	Date	FR Cite
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NPRM	11/00/92	
NPRM Comment	12/00/92	
Period End		

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Agency Contact:** Roberta Dorn, Acting Director, SRAD, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531, 202 307-5921

RIN: 1121-AA15

**1919. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

Significance: Regulatory Program

**Legal Authority:** 42 USC 3711 et seq, as amended; 42 USC 5601 et seq, as amended; 42 USC 10601 et seq, as amended; 18 USC 4042; 18 USC 4351 to 4353; EO 12291

CFR Citation: 28 CFR 66

Legal Deadline: None

**Abstract:** This rule is being revised to update uniform administrative requirements for Grants and Cooperative Agreements to State and Local Governments.

**Timetable:**

Action	Date	FR Cite
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NPRM	00/00/00	
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**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Stacy Worthington, Financial Analyst, Office of the Comptroller, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531, 202 307-0623

RIN: 1121-AA16



**DEPARTMENT OF JUSTICE (DOJ)**  
**Office of Justice Programs (OJP)**

Final Rule Stage

**1920. EQUAL EMPLOYMENT  
OPPORTUNITY PROGRAM  
GUIDELINES**

**Legal Authority:** 42 USC 3789d(c); 42 USC 5674; 42 USC 10504(b); 42 USC 10604(e)

**CFR Citation:** 28 CFR 42.301

**Legal Deadline:** None

**Abstract:** To change departmental nomenclature to comply with nomenclature changes in the Anti-Drug Abuse Act of 1988 and eliminate references to Title VI of the Civil Rights Act of 1964 which are not specifically applicable.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Winifred A. Dunton, Director, Office for Civil Rights, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW., Room 600B, Washington, DC 20531, 202 307-0690

**RIN:** 1121-AA10

**1921. NONDISCRIMINATION IN OJP  
FEDERALLY ASSISTED PROGRAMS**

**Legal Authority:** 42 USC 3789d(c); 42 USC 5674; 42 USC 10604(e); 42 USC 10504(b)

**CFR Citation:** 28 CFR 42.201

**Legal Deadline:** None

**Abstract:** To change departmental nomenclature to comply with changes in the Anti-Drug Abuse Act of 1988, expected reauthorization, and eliminate references to title VI and title IX which are not specifically applicable.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Agency Contact:** Winifred A. Dunton, Director, Office for Civil Rights, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW., Room 600B, Washington, DC 20531, 202 307-0690

**RIN:** 1121-AA11

**1922. CRIMINAL INTELLIGENCE  
SYSTEMS OPERATING POLICIES**

**Legal Authority:** 42 USC 3796h(c); 42 USC 3782(a); 42 USC 3789g(c)

**CFR Citation:** 28 CFR 23

**Legal Deadline:** None

**Abstract:** To change Office and Bureau nomenclature to comply with changes resulting from the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, and to clarify policy issues relating to time periods for validation of intelligence information.

**Timetable:**

Action	Date	FR Cite
NPRM	02/27/92	57 FR 6691
NPRM Comment Period End	04/27/92	
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Public Compliance Cost:** Initial Cost: \$0

**Agency Contact:** Paul Kendall, Attorney-Advisor, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW., Room 1246E, Washington, DC 20531, 202 307-0793

**RIN:** 1121-AA12

**DEPARTMENT OF JUSTICE (DOJ)**  
**Office of Justice Programs (OJP)**

Completed Actions

**1923. PUBLIC SAFETY OFFICERS'  
BENEFITS PROGRAM REGULATIONS**

**CFR Citation:** 28 CFR 32

**Completed:**

Reason	Date	FR Cite
Final Action	06/11/92	57 FR 24912
Final Action Effective	06/11/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** William F. Powers, 202 307-0653

**RIN:** 1121-AA17

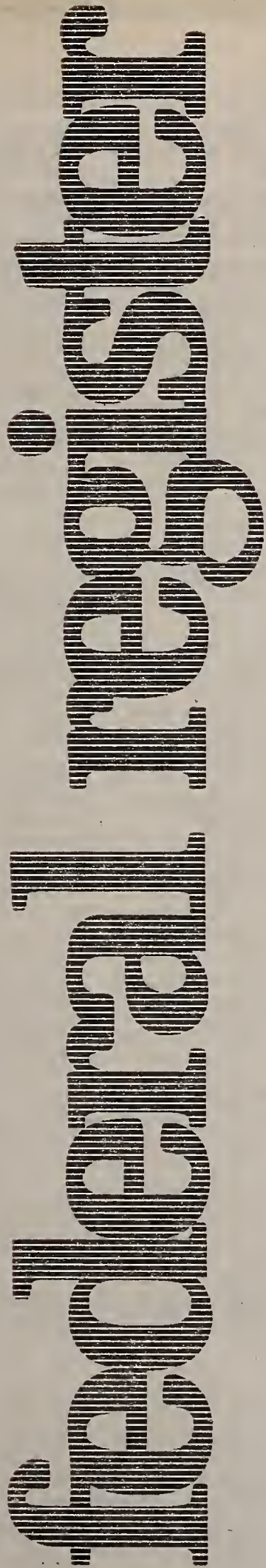
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**Tuesday  
November 3, 1992**

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**Part XII**

**Department of Labor**

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**Semiannual Regulatory Agenda**



**DEPARTMENT OF LABOR (DOL)**

**DEPARTMENT OF LABOR**

**Office of the Secretary**

**20 CFR Chs. I, IV, V, VI, VII, and IX**

**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 that has been selected for review or development during the coming 1-year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists all regulations that are expected to be under review or development between October 1992 and October 1993.

**FOR FURTHER INFORMATION CONTACT:** Roland G. Droitsch, 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 1-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, and applies only to regulations for which a notice of proposed rulemaking was issued on or after that date. It 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 this publication of its agendas under the Regulatory Flexibility Act and Executive Order 12291.

These regulatory reform requirements have more recently been amplified by requirements under Executive Order 12778 to ensure that regulations are clear and, to the extent possible, reduce litigation by the Negotiated Rulemaking Act of 1990 and by the President's direction that the Department carefully review its regulations and how they are issued.

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.

Lynn Martin,  
*Secretary of Labor.*

**Office of the Secretary—Proposed Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
1924	Coordinated Enforcement of Farm Labor Protective Statutes.....	1290-AA11

**Employment Standards Administration—Proposed Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
1925	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/CFCCP) .....	1215-AA01
1926	Child Labor Regulations, Orders and Statements of Interpretation (ESA/W-H) .....	1215-AA09
1927	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" (ESA/W-H) .....	1215-AA14
1928	Employment of Homeworkers in Certain Industries .....	1215-AA36
1929	Government Contractors: Contractor Participation in Training Programs Pursuant to the Job Training Partnership Act (JTPA) (29 USC 1781) .....	1215-AA56



## DOL

## Employment Standards Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1930	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Special Disabled Veterans and Veterans of the Vietnam Era .....	1215-AA62
1931	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Individuals with Disabilities.....	1215-AA76
1932	Labor Standards for Federal Service Contracts.....	1215-AA78
1933	Employment of Student Learners.....	1215-AA80

## Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1934	Enforcement of Contractual Obligations for Temporary Alien Agricultural Workers Admitted Under Section 216 of the Immigration and Nationality Act.....	1215-AA43
1935	Training Wage Provisions of the Fair Labor Standards Amendments of 1989.....	1215-AA52
1936	Civil Penalties for Violations of the Fair Labor Standards Act Minimum Wage and Overtime Compensation Provisions .....	1215-AA53
1937	Enforcement of Contractual Obligations Between Health Care Facilities Authorized To Utilize Temporary Nonimmigrant Alien Nurses.....	1215-AA55
1938	Fair Labor Standards Amendments of 1989 as Applied to Puerto Rico.....	1215-AA57
1939	Attestations by Employers for Off-Campus Work Authorization for Alien Students (F-1 Nonimmigrants) .....	1215-AA68
1940	Labor Condition Applications and Requirements for Employers Using Aliens on H-1B Visas in Specialty Occupations and as Fashion Models.....	1215-AA69
1941	Defining the Terms "Construction" and "Repairs" Under the Davis-Bacon and Related Acts.....	1215-AA71

## Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1942	General Regulations Under the Walsh-Healey Public Contracts Act.....	1215-AA33
1943	Claims for Compensation Under the Federal Employees' Compensation Act; Addition to Schedule of Compensation (Part 10) Regarding Female Reproductive Organs .....	1215-AA60
1944	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity or in the Capacity of Outside Salesman".....	1215-AA65
1945	Claims for Benefits Under the Federal Employees' Compensation Act (FECA); Lump Sum Payment of Benefits.....	1215-AA67
1946	Attestations by Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports (D-1 Visas).....	1215-AA70
1947	Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era.....	1215-AA73
1948	Update of Migrant and Seasonal Agricultural Worker Protection Act Vehicle Insurance Regulations .....	1215-AA74
1949	Exemptions from Minimum Wage and Overtime Compensation Requirements of the Fair Labor Standards Act; Public Sector Employers.....	1215-AA77
1950	Reporting and Employment Requirements for Employers of Certain Workers Employed in Seasonal Agricultural Services .....	1215-AA79
1951	Labor Standards on Federally Financed and Assisted Construction and Certain Nonconstruction Contracts (Davis-Bacon "Helper" Regulations) .....	1215-AA81

## Employment and Training Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1952	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement .....	1205-AA37



## DOL

## Employment and Training Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1953	Airline Deregulation: Employee Benefit Program.....	1205-AA07
1954	Senior Community Service Employment Program.....	1205-AA29
1955	Advances Under Title XII, SSA, and Tax Credit Under FUTA.....	1205-AA65
1956	Labor Certification Process for the Permanent Employment of Aliens in the United States.....	1205-AA66
1957	Implementation of Defense Authorization Act Amendments to Title III of the Job Training Partnership Act.....	1205-AA85
1958	Permanent Labor Certification Program: Pilot Labor Market Information and Notice Provisions.....	1205-AA87
1959	Job Training Partnership Act Amendments of 1992.....	1205-AA95
1960	Job Training Partnership Act: Native American Programs and Migrant and Seasonal Farmworker Programs.....	1205-AA96
1961	Job Corps Allowances and Allotments.....	1205-AA98

## Employment and Training Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1962	Unemployment Compensation for Ex-Servicemembers.....	1205-AA06
1963	Administrative Procedure, Federal State Unemployment Compensation Program.....	1205-AA69
1964	Trade Adjustment Assistance for Workers.....	1205-AA72
1965	Federal-State Unemployment Compensation Program; Confidentiality and Disclosure of State Records.....	1205-AA74
1966	Labor Standards for the Registration of Apprenticeship Programs (Revision).....	1205-AA77
1967	Attestation Process for Health Care Facilities Seeking to Employ Nonimmigrant Nurses.....	1205-AA84
1968	Permanent Labor Certification Program: Amendments to Regulations at 20 CFR Part 656.....	1205-AA86
1969	Off-Campus Work Authorization for Foreign Students: Attestation Process.....	1205-AA88
1970	Temporary Specialized Professional Occupations (H-1B) Labor Condition Application Process.....	1205-AA89
1971	Implementation of Clean Air Act Amendments to Title III of the Job Training Partnership Act (JTPA).....	1205-AA92
1972	Extended Benefits in the Federal-State Unemployment Compensation Program.....	1205-AA97

## Employment and Training Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1973	Limitations on Longshore Work by Alien Crewmembers.....	1205-AA90
1974	Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States - Prevailing Practice Determinations.....	1205-AA93

## Pension and Welfare Benefits Administration—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
1975	Qualified Domestic Relations Orders Under the Retirement Equity Act.....	1210-AA19
1976	Definition of Participant Covered Under the Plan.....	1210-AA39

## Pension and Welfare Benefits Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1977	Individual Benefits Reporting and Recordkeeping for Multiemployer Plans.....	1210-AA02
1978	Individual Benefits Reporting and Recordkeeping for Single Employer Plans.....	1210-AA03
1979	Definition of "Plan Assets"—Participant Contributions.....	1210-AA16



## DOL

## Pension and Welfare Benefits Administration—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
1980	Time and Manner of Notice Requirement Under ERISA Section 101(d) .....	1210-AA38

## Pension and Welfare Benefits Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1981	Adequate Consideration .....	1210-AA15
1982	Civil Penalties Under ERISA Section 502(l) .....	1210-AA37

## Pension and Welfare Benefits Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
1983	Participant Directed Individual Account Plans.....	1210-AA08
1984	Summary Annual Report.....	1210-AA36
1985	Trust Exemption.....	1210-AA40

## Office of Labor Management Standards—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1986	Abbreviated Annual Financial Reports for Small Labor Organizations .....	1294-AA08

## Office of Labor Management Standards—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1987	Obligations of Federal Contractors and Subcontractors; Notice of Employee Rights Concerning Payment of Union Dues or Fees.....	1294-AA06
1988	Labor Organization Annual Financial Reports .....	1294-AA07

## Mine Safety and Health Administration—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
1989	Intrinsically Safe Battery-Powered Devices.....	1219-AA59
1990	Approval of Explosion-Proof Enclosures .....	1219-AA60
1991	Belt Entry Advisory Committee .....	1219-AA76



## DOL

## Mine Safety and Health Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
1992	Safeguard Criteria for Hoisting and Transportation.....	1219-AA12
1993	Safety Standards for Explosives at Metal and Nonmetal Mines.....	1219-AA17
1994	Noise Standard.....	1219-AA53
1995	Confined Spaces.....	1219-AA54
1996	Requirements for Approval of Flame-Resistant Conveyor Belts.....	1219-AA65
1997	Waterlines in Belt Conveyor Entries.....	1219-AA70
1998	Carbon Monoxide Monitor Approval.....	1219-AA72
1999	Firefighting and Escape and Evacuation Program.....	1219-AA73
2000	Diesel Particulate.....	1219-AA74
2001	High-Voltage Longwall Equipment.....	1219-AA75
2002	Training and Retraining of Miners.....	1219-AA77
2003	Examinations of Surface Work Areas.....	1219-AA78
2004	Decertification of Certified and Qualified Persons.....	1219-AA79
2005	Safety Standards for Operation and Maintenance of Machinery and Equipment in Underground Coal Mines.....	1219-AA80

## Mine Safety and Health Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2006	Diesel-Powered Equipment for Underground Coal Mines.....	1219-AA27
2007	Civil Penalties for Violations of the Federal Mine Safety and Health Act of 1977.....	1219-AA44
2008	Hazard Communication.....	1219-AA47
2009	Air Quality Chemical Substances and Respiratory Protection Standards.....	1219-AA48
2010	Experienced Miner and Supervisor Training.....	1219-AA55
2011	Approval of Electric Cables and Splice Kits.....	1219-AA57
2012	Approval of Electric Motor Assemblies.....	1219-AA61

## Mine Safety and Health Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2013	Underground Coal Mine Ventilation.....	1219-AA11
2014	Safety Standards for Refuse Piles and Waste Impoundment Dams at Surface Coal Mines and Surface Work Areas of Underground Coal Mines.....	1219-AA49

## Office of the Assistant Secretary for Administration and Management—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
2015	Department of Labor Acquisition Regulations.....	1291-AA20

## Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2016	Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the Department of Labor under the Job Training Partnership Act (JTPA) of 1982, as amended.....	1291-AA02



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## Office of the Assistant Secretary for Administration and Management—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2017	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.....	1291-AA15
2018	New Restrictions on Lobbying.....	1291-AA18

## Occupational Safety and Health Administration—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
2019	Medical Surveillance Programs for Employees.....	1218-AB00
2020	Exposure Assessment Programs for Employees Exposed to Hazardous Chemicals.....	1218-AB01
2021	Ergonomic Safety and Health Standards.....	1218-AB36
2022	Indoor Air Quality in the Workplace.....	1218-AB37
2023	Crane Safety.....	1218-AB38
2024	Safety and Health Management Program.....	1218-AB41

## Occupational Safety and Health Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2025	Respiratory Protection.....	1218-AA05
2026	Safety and Health Regulations for Longshoring (Part 1918).....	1218-AA56
2027	Steel Erection (Part 1926).....	1218-AA65
2028	Welding, Cutting and Brazing (Part 1910 and Part 1926).....	1218-AA72
2029	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates.....	1218-AA84
2030	Hazardous Materials (Part 1910).....	1218-AB20
2031	Shipyards Employment: Phase II (Part 1915).....	1218-AB22
2032	Recording and Reporting Occupational Injuries and Illnesses.....	1218-AB24
2033	PEL Update Proposal for Construction, Agriculture, and Maritime.....	1218-AB26
2034	Control of Hazardous Energy (Lockout/Tagout)—Construction (Part 1926).....	1218-AB30
2035	Powered Industrial Truck Operator Training.....	1218-AB33
2036	Lead in Construction.....	1218-AB34
2037	Documentation of Abatement.....	1218-AB40

## Occupational Safety and Health Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2038	Methods of Compliance.....	1218-AA28
2039	Fall Protection (Part 1926).....	1218-AA37
2040	Scaffolds (Part 1926).....	1218-AA40
2041	Fall Protection Systems (Personal Protective Equipment) (Part 1910).....	1218-AA48
2042	Confined Space (Part 1910).....	1218-AA51
2043	Logging Operations (Part 1910).....	1218-AA52
2044	Electric Power Generation, Transmission and Distribution (Part 1910).....	1218-AA59
2045	Fall Protection in Shipyards (Part 1915).....	1218-AA66
2046	Scaffolds in Shipyards (Part 1915).....	1218-AA68
2047	Access and Egress in Shipyards (Part 1915).....	1218-AA70
2048	Face, Head, Eye and Foot Protection (Personal Protective Equipment) (Part 1910).....	1218-AA71
2049	Welding, Cutting and Heating in Shipyards (Part 1915).....	1218-AA73
2050	Personal Protective Equipment in Shipyards (Part 1915).....	1218-AA74
2051	1,3-Butadiene.....	1218-AA83
2052	Explosive and Other Dangerous Atmospheres (Part 1915).....	1218-AA91
2053	Methylene Chloride.....	1218-AA98
2054	Hazard Communication.....	1218-AB02



## DOL

## Occupational Safety and Health Administration—Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
2055	Walking and Working Surfaces (Part 1910) .....	1218-AB04
2056	Asbestos (Remand).....	1218-AB25
2057	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910).....	1218-AB27
2058	Occupant Protection in Motor Vehicles .....	1218-AB28
2059	Reporting of Fatality or Multiple Hospitalizations .....	1218-AB35

## Occupational Safety and Health Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2060	Asbestos, Tremolite, Anthophyllite and Actinolite .....	1218-AA26
2061	4,4'-Methylenedianiline .....	1218-AA58
2062	Formaldehyde .....	1218-AA82
2063	Cadmium.....	1218-AB16

## Office of the Assistant Secretary for Veterans' Employment &amp; Training—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
2064	Uniformed Services Employment Rights .....	1293-AA05

## Office of the Assistant Secretary for Veterans' Employment &amp; Training—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2065	Veterans' Programs and Services Administered by the Office of the Assistant Secretary for Veterans' Employment and Training.....	1293-AA03

## DEPARTMENT OF LABOR (DOL)

## Proposed Rule Stage

## Office of the Secretary (OS)

**1924. COORDINATED ENFORCEMENT OF FARM LABOR PROTECTIVE STATUTES**

**Legal Authority:** 29 USC 49 et seq; 29 USC 201 et seq; 29 USC 651 et seq; 29 USC 1801 et seq; 8 USC 1188(g)(2); 5 USC 301

**CFR Citation:** 29 CFR 42

**Legal Deadline:** None

**Abstract:** The Department intends to revise its regulations for coordinated enforcement of farm protective statutes.

The rule will clarify existing regulatory language and update the regulations by making nomenclature and other technical amendments. The sections also will be reorganized for clarification. These regulations were first promulgated in 1980 to coordinate the farm labor enforcement activities of the Department's Employment and Training Administration, the Employment Standards Administration, the Occupational Safety and Health Administration, and the Office of the Solicitor of Labor (45 FR 39489). The

regulations establish a National Farm Labor Coordinated Enforcement Committee, which meets quarterly, consisting of the heads of the above DOL agencies, to oversee that coordination. A Regional Farm Labor Coordinated Enforcement Committee, which meets quarterly, is established in each DOL regional office. The Regional Committee is made up of the head of each of the above Agencies' regional offices. Each Regional Committee holds at least one annual public meeting to discuss farm labor issues.



## DOL—OS

## Proposed Rule Stage

## Timetable:

Action	Date	FR Cite
ANPRM	07/24/92	57 FR 32939
ANPRM	08/24/92	
Comment Period End		
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Since 1980, a number of changes have taken place in DOL's farm labor activities, such as: The Farm Labor Contractor Registration Act has been replaced by the Migrant

and Seasonal Agricultural Worker Protection Act; the title of the head of the National Committee has been changed from Under Secretary to Deputy Secretary; the Immigration Reform and Control Act of 1986 has amended the Immigration and Nationality Act, authorizing DOL to enforce work contracts executed by employers of alien (H-2A) farmworkers; the role of States in operating the Employment Service under the Wagner-Peyser Act was enhanced in 1982; regional offices of the Employment Standards Administration no longer exist and the regional farm labor

enforcement role is now coordinated by the Regional Administrator for Wage Hour; and the Assistant Secretary for Policy has assumed a role in farm labor programs at the national level. These and other changes necessitate updating the coordinated enforcement regulations.

**Agency Contact:** Gordon L. Claucherty, Chairman, Farm Labor Coordinated Enforcement Working Group, Department of Labor, Office of the Secretary, 200 Constitution Avenue NW., Room S2114, FPBuilding, Washington, Dc 20210, 202 219-6026

RIN: 1290-AA11

## DEPARTMENT OF LABOR (DOL)

## Proposed Rule Stage

## Employment Standards Administration (ESA)

**1925. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP)**

**Significance:** Regulatory Program

**Legal Authority:** EO 11246, as amended; 38 USC 4212; 29 USC 793

**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:** None

**Abstract:** These regulations cover nondiscrimination and affirmative action obligations of Federal contractors under Executive Order 11246, as amended; the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 USC 4212), as amended; and Section 503 of the Rehabilitation Act of 1973, as amended. The NPRM published 08/25/81 and supplemented on 04/23/82 extended the effective date of a final rule published 12/30/80 and proposed amendments to that rule. OFCCP's review of regulatory options continues with emphasis on Executive Order recordkeeping requirements, use of desk audits to establish priorities for onsite reviews, certification requirements and coverage provisions.

## 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

Action	Date	FR Cite
NPRM	04/23/82	47 FR 17770
NPRM	12/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State

**Agency Contact:** Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Ave. NW., Rm C3325, FP Bldg., Washington, DC 20210, 202 219-9430

RIN: 1215-AA01

**1926. 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 16 and 17 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 the regulations to ensure the safety and health of such minors and at the same time avoid unnecessary restrictions on their employment opportunities. Revisions to HOs 2, 10, and 12 were published in final on 11/20/91 (CONT)

## Timetable:

Action	Date	FR Cite
Notice Published-- Decision to Establish Child Labor Advisory Committee	07/21/87	52 FR 27476
NPRM on HOs 2, 10, 12	10/23/90	55 FR 42812
Reopening and Extension of Comment Period	11/26/90	55 FR 49090
NPRM Comment Period End on HOS 2, 10, 12	12/24/90	55 FR 49090
Final Action on HOs 2, 10, 12	11/20/91	56 FR 58626
Final Action Effective Date	12/20/91	56 FR 58626
NPRM	11/00/92	

**Small Entities Affected:** Undetermined



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## Proposed Rule Stage

**Government Levels Affected:**

Undetermined

**Additional Information:** ABSTRACT

CONT: (56 FR 58626), effective 12/20/91. The Department intends to modify the hours restriction in Child Labor Regulation No. 3 for 14- and 15-year-olds to limit hours of work on evenings preceding school days (in contrast to existing limits on hours of work on school days) and to expand permissible hours under conditions that do not interfere with their schooling (e.g. allowing more hours on evenings preceding non-school days).

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Rm S3502, FP Bldg., Washington, DC 20210, 202 219-8305

RIN: 1215-AA09

**1927. 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
Proposal To Suspend Rule Indefinitely	03/27/81	46 FR 18998
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment Period From 01/21/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525

Next Action Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Additional Information:** ABSTRACT

CONT: subsequently extended to 03/22/86. The Department, in its overall review of the full range of issues raised by public comments submitted on its advance notice of proposed rulemaking of November 19, 1985, continues to consider a variety of other possible changes to the regulations.

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FP Bldg, 200 Constitution Ave. NW., Washington, DC 20210, 202 219-8305

RIN: 1215-AA14

**1928. 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 on 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 rescission, the Department sought comments on various alternatives to such action (49 FR 11786). On 11/5/84, a final rule was published lifting the ban on homework for (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	08/21/86	51 FR 30036
NPRM Comment Period End	12/04/86	51 FR 37298
NPRM Second	03/30/88	53 FR 10342
NPRM Second - Comment Period End	05/13/88	53 FR 15063
Final Rule	11/10/88	53 FR 45706
ANPRM	12/30/88	53 FR 53344
ANPRM Comment Period End	05/05/89	54 FR 11008

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** ABSTRACT

CONT: employers 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, and review of comments from a Notice of Proposed Rulemaking published on August 21, 1986 (51 FR 30036), a proposal was published on March 30, 1988 (53 FR 10342) which included enforcement mechanisms to enhance compliance among employers of homeworkers. The comment period was later extended to May 13, 1988 (53 FR 15063). The



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proposal also excluded the women's apparel industry and stated that this industry would be the subject of separate rulemaking. A final rule was published November 10, 1988 (53 FR 706). An ANPRM concerning women's apparel homework was published December 30, 1988 (53 FR 53344). Public hearings on this issue were held in seven cities during March and April 1989. The public comment period on the ANPRM closed on May 5, 1989 (54 FR 2008). The Department is considering whether it would be appropriate to modify the existing regulations in the women's apparel industry.

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Rm 502, FP Bldg., Washington, DC 20210, 202 219-8305

**RIN:** 1215-AA36

**29. GOVERNMENT CONTRACTORS: CONTRACTOR PARTICIPATION IN TRAINING PROGRAMS PURSUANT TO THE JOB TRAINING PARTNERSHIP ACT (JTPA) (29 USC 1781)**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 1781

**CFR Citation:** 41 CFR 60-1; 41 CFR 60-2

**Legal Deadline:** Final, Statutory, October 1, 1983.

**Abstract:** Section 481 of the Job Training Partnership Act of 1982 (JTPA) requires OFCCP to issue regulations which will specify the degree to which contractors' participation in JTPA approved training programs will satisfy their affirmative action obligations under Executive Order 11246, as amended. Among the issues to be determined are: (1) the extent to which contractor's participation in an approved training program satisfies its affirmative action obligations; (2) the contents of an abbreviated affirmative action program; (3) methods for determining compliance; and (4) recordkeeping and reporting requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Businesses, governmental jurisdictions, organizations

**Government Levels Affected:** State

**Additional Information:** Issuance of a proposal has been delayed while the Department explores and evaluates the most effective ways to implement the JTPA consistent with OFCCP's nondiscrimination and affirmative action requirements. (Previously part of RIN 1215-AA01)

**Agency Contact:** Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210, 202 219-9430

**RIN:** 1215-AA56

**1930. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA**

**Significance:** Regulatory Program

**Legal Authority:** 38 USC 4211; 38 USC 4212; PL 93-508 Amended; PL 94-502; PL 95-520; PL 96-466; PL 101-237; EO 11758; PL 97-306; PL 98-223; PL 102-16; PL 102-127

**CFR Citation:** 41 CFR 60-250

**Legal Deadline:** None

**Abstract:** OFCCP is planning to revise its regulations implementing 38 USC 4212 (formerly 2012) of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 to (1) make its provisions for special disabled veterans consistent with the Americans with Disabilities Act of 1990 (ADA), (2) incorporate some legislative and other changes that have occurred, and (3) generally clarify 38 USC 4212 Affirmative Action Program (AAP) requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325,

FP Building, Washington, DC 20210, 202 219-9430

**RIN:** 1215-AA62

**1931. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR INDIVIDUALS WITH DISABILITIES**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 706; 29 USC 793; PL 99-506 Amended; PL 100-630; PL 100-259; PL 101-336; EO 11758

**CFR Citation:** 41 CFR 60-741

**Legal Deadline:** None

**Abstract:** OFCCP is planning to revise its regulations implementing Section 503 of the Rehabilitation Act of 1973: (1) to make them consistent with the Americans with Disabilities Act, (2) to incorporate legislative and other changes that have occurred, and (3) to generally clarify Section 503 Affirmative Action Program requirements. Costs are undetermined. These revisions should greatly assist the public, and employers in particular, by providing a comprehensive set of up-to-date regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210, 202 219-9430

**RIN:** 1215-AA76

**1932. LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS**

**Significance:** Agency Priority

**Legal Authority:** 41 USC 351 et seq; 79 Stat 1034, as amended in 86 Stat 789; 90 Stat 2358; 41 USC 38; 41 USC 39; 5 USC 301

**CFR Citation:** 29 CFR 4

**Legal Deadline:** None

**Abstract:** The Service Contract Act (SCA) applies to Federal contracts



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principally for the furnishing of services through the use of service employees and, on contracts over \$2,500 where the predecessor contract was not subject to a collective bargaining agreement, requires the Department of Labor to determine locally prevailing wages and fringe benefits to be paid to various classifications of workers on the contract. Prevailing wage determinations issued by the Department become part of the Federal contract and establish the minimum compensation for employees performing on that contract. The proposed rule would provide for a variance from the Act's requirement for locality-based fringe benefit determinations, pursuant to Section 4(b) of SCA, to reflect the Department's practice of issuing fringe benefit amounts derived from data collected on a nationwide basis. Section 4(b) of SCA permits variances from the Act's requirements in "special circumstances" where the Secretary determines the variance is "necessary and proper in the public interest or to avoid serious impairment of government business, and is in accord with the (CONT)

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** ABSTRACT (CONT): remedial purpose of this Act to protect prevailing labor standards." The proposal would also include minor technical amendments to update and clarify the regulations.

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., S3502, FP Building, Washington, DC 20210, 202 219-8305

**RIN:** 1215-AA78

**1933. ● EMPLOYMENT OF STUDENT LEARNERS**

**Significance:** Agency Priority

**Legal Authority:** Section 14, 52 Stat 1068, as amended; 29 USC 214

**CFR Citation:** 29 CFR 520

**Legal Deadline:** None

**Abstract:** With the passage of legislation proposed by the Employment and Training Administration to implement the Job Training 2000 initiative (youth apprenticeship program), the Employment Standards Administration intends to revise the regulations regarding the employment of student learners at subminimum wages under the Fair Labor Standards Act. These revisions would make the regulations consistent with the Job Training 2000 initiative and would open up job opportunities for students, as well as enable employers to hire and train them without incurring significant labor costs.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Rm S3502, FP Building, Washington, DC 20210, 202 219-8305

**RIN:** 1215-AA80

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Employment Standards Administration (ESA)

**1934. ENFORCEMENT OF CONTRACTUAL OBLIGATIONS FOR TEMPORARY ALIEN AGRICULTURAL WORKERS ADMITTED UNDER SECTION 216 OF THE IMMIGRATION AND NATIONALITY ACT**

**Legal Authority:** PL 99-603

**CFR Citation:** 29 CFR 501

**Legal Deadline:** Final, 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 issued an interim final rule on June 1, 1987 (53 FR

20524) that incorporates the labor standards issued by the Employment and Training Administration (ETA) and sets forth procedures for enforcement of these labor standards. No further action is planned until ETA issues its final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16795
NPRM Comment Period End	05/19/87	52 FR 16795
Interim Final Rule	06/01/87	52 FR 20524
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Rm

S3502, FP Bldg., Washington, DC 20210 202 219-8305

**RIN:** 1215-AA43

**1935. TRAINING WAGE PROVISIONS OF THE FAIR LABOR STANDARDS AMENDMENTS OF 1989**

**Significance:** Agency Priority

**Legal Authority:** PL 101-157; 29 USC 201 et seq

**CFR Citation:** 29 CFR 517

**Legal Deadline:** None

**Abstract:** The Fair Labor Standards Amendments of 1989 were enacted on November 17, 1989. Among other provisions, the amendments provide that employers may pay employees under the age of 20, under certain conditions, a wage rate of at least 85 percent of the minimum wage, but not less than \$3.35 per hour, for a period



to 90 days. An employee who has been paid at the training wage for 90 days can be employed by any other employer at the training wage an additional 90 days, but only if that employer provides on-the-job training in accordance with regulations required to be issued by the Department of Labor. The training wage provisions took effect April 1, 1990 and expire March 31, 1993. The statute provides that the Secretary of Labor shall issue regulations containing criteria for what qualifies as on-the-job training, and for defining what constitutes the requisite proof of previous periods of employment with other employers that is required to be provided by employees. Employers may rely on such proof of prior employment in good

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/01/90	55 FR 7450
Interim Final Rule Effective Date	04/01/90	55 FR 7450
Interim Final Rule Comment Period End	04/30/90	

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT  
CONT: faith as a valid defense against a finding of violations.

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room 33502, FP Building, Washington, DC 20210, 202 219-8305

**RIN:** 1215-AA52

**1936. CIVIL PENALTIES FOR VIOLATIONS OF THE FAIR LABOR STANDARDS ACT MINIMUM WAGE AND OVERTIME COMPENSATION PROVISIONS**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-157; 29 USC 216(e)

**CFR Citation:** 29 CFR 578; 29 CFR 579; 29 CFR 580

**Legal Deadline:** None

**Abstract:** The Fair Labor Standards Amendments of 1989 were enacted on November 17, 1989. Section 9 of the 1989 amendments amends Section 16(e) of the Fair Labor Standards Act (FLSA) to provide that employers who willfully or repeatedly violate the FLSA minimum wage (Section 6) or overtime compensation (Section 7) provisions shall also become subject to a civil penalty of up to \$1,000 per violation. On May 31, 1991, a final rule was published (effective 7/1/91) amending existing procedures for assessment of civil money penalties for child labor violations (29 CFR parts 579 and 580) to incorporate procedures for assessment of civil money penalties for violations of minimum wage and overtime compensation provisions (56 FR 24990). On June 3, 1991, a proposed rule (29 CFR part 578) was published for the implementation of civil money penalties for minimum wage and overtime violations (56 FR 25168).

**Timetable:**

Action	Date	FR Cite
Final Rule (29 CFR 579 and 580)	05/31/91	56 FR 24990
NPRM	06/03/91	56 FR 25168
NPRM Comment Period End	08/02/91	
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

**RIN:** 1215-AA53

**1937. ENFORCEMENT OF CONTRACTUAL OBLIGATIONS BETWEEN HEALTH CARE FACILITIES AUTHORIZED TO UTILIZE TEMPORARY NONIMMIGRANT ALIEN NURSES**

**Significance:** Agency Priority

**Legal Authority:** PL 101-238; 8 USC 1182(m); PL 102-232

**CFR Citation:** 29 CFR 504

**Legal Deadline:** Final, Statutory, August 1, 1990.

**Abstract:** The Immigration Nursing Relief Act of 1989, PL 101-238, amends Section 212 of the Immigration and Nationality Act to add a new subsection (m) governing the admission to the United States of nonimmigrant nurses during a 5-year period. The law requires employers (health care facilities) interested in hiring temporary alien nurses in the future to file an attestation with the Department of Labor, which must include certain assurances as to the need for and effect of the alien's employment, wage rates to be paid, steps being taken to recruit and retain non-alien nurses, that no strike or lockout exists in a labor dispute, and that certain notifications and posting of notices have occurred. The Department is also required to establish a system for investigating and resolving complaints that the employer is not carrying out these attestations, and is authorized to impose administrative remedies, including civil monetary penalties, as deemed appropriate. The Employment and Training Administration of the Department developed regulations governing the (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	07/06/90	55 FR 27992
NPRM Comment Period End	08/06/90	55 FR 30720
Interim Final Rule	12/06/90	55 FR 50500

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT  
CONT: attestation process for health care facilities seeking to employ nonimmigrant nurses. The Employment Standards Administration will administer the enforcement provisions in the legislation by implementing regulations that incorporate the labor standards/attestations issued by ETA and set forth procedures for enforcement of these labor standards. Proposed rules were published on 7/6/90. Interim final regulations were published on 12/6/90 (55 FR 50500). On December 12, 1991, Congress enacted the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991. The Department intends to publish conforming changes to the regulations.



DOL—ESA

Final Rule Stage

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

**RIN:** 1215-AA55

**1938. FAIR LABOR STANDARDS AMENDMENTS OF 1989 AS APPLIED TO PUERTO RICO**

**Significance:** Agency Priority

**Legal Authority:** PL 101-157; 29 USC 206(c)

**CFR Citation:** 29 CFR 510

**Legal Deadline:** None

**Abstract:** The Fair Labor Standards Amendments of 1989 were enacted on November 17, 1989. Among other provisions, the amendments provide that the increases in the Fair Labor Standards Act minimum wage applicable to the United States mainland will be phased in by industry for workers in Puerto Rico, with all employees becoming subject to the full mainland minimum wage level by April 1, 1996. Interim Final Rules were published on 03/30/90, and amended on September 27, 1990 (55 FR 39574), October 1, 1990 (55 FR 39958), December 27, 1990 (55 FR 53246) and January 10, 1992 (57 FR 1102).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/30/90	55 FR 12114
Interim Final Rule Effective Date	04/01/90	55 FR 12114
Interim Final Rule Amendment	09/27/90	55 FR 39574
Interim Final Rule Amendment	10/01/90	55 FR 39958
Interim Final Rule Amendment	12/27/90	55 FR 53246
Regulatory Impact Analysis	01/08/92	57 FR 611
Interim Final Rule Amendment	01/10/92	57 FR 1102

Next Action Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Administration, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

**RIN:** 1215-AA57

**1939. ATTESTATIONS BY EMPLOYERS FOR OFF-CAMPUS WORK AUTHORIZATION FOR ALIEN STUDENTS (F-1 NONIMMIGRANTS)**

**Legal Authority:** PL 101-649, Sec 221(a); 104 Stat 4978 and 5027; PL 102-232

**CFR Citation:** 29 CFR 508

**Legal Deadline:** Final, Statutory, October 1, 1991.

**Abstract:** This rule implements regulations governing the filing and enforcement of attestations by employers seeking to use aliens admitted as students on F-1 visas (hereafter F-1 student) in off-campus work. Under the Immigration and Nationality Act (INA), as amended by the Immigration Act of 1990, employers are required to submit these attestations to DOL and the educational institution in order for such students, if otherwise qualified, to receive work authorizations from the Attorney General. The attestation process will be administered by ETA, while complaints and investigations regarding violations of the attestation provisions and procedures will be handled by ESA. On December 12, 1991, Congress enacted the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991. The Department intends to publish conforming changes to the regulations.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/06/91	56 FR 56860
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room

S3502, FP Bldg., Washington, DC 20210, 202 219-8305

**RIN:** 1215-AA68

**1940. LABOR CONDITION APPLICATIONS AND REQUIREMENTS FOR EMPLOYERS USING ALIENS ON H-1B VISAS IN SPECIALTY OCCUPATIONS AND AS FASHION MODELS**

**Significance:** Agency Priority

**Legal Authority:** PL 101-649, Sec 205; PL 102-232

**CFR Citation:** 29 CFR 507

**Legal Deadline:** Final, Statutory, October 1, 1991.

**Abstract:** The Employment Standards Administration (ESA) and the Employment and Training Administration (ETA) promulgated regulations governing the filing and enforcement of labor condition applications filed by employers seeking to use aliens in specialty occupations on H-1B visas. Under the Immigration and Nationality Act as amended by the Immigration Act of 1990, an employer seeking to employ an alien in a specialty occupation on an H-1B visa is required to file with the Department of Labor, and receive approval therefor, a labor condition application before the Immigration and Naturalization Service may approve an H-1B visa petition. The labor condition application process is to be administered by ETA and complaints and investigations regarding labor condition applications will be the responsibility of ESA. An interim final rule was published on October 22, 1991 effective October 1, 1991 (56 FR 54750). On December 12, 1991, Congress enacted the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991. On January 13, 1992, the Department published conforming changes to these regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/91	56 FR 37175
NPRM Comment Period End	09/04/91	56 FR 37175
Interim Final Rule	10/22/91	56 FR 54720
Interim Final Second	01/13/92	57 FR 1316
Final Action	10/00/92	

**Small Entities Affected:** Undetermined



DOL—ESA

Final Rule Stage

**Government Levels Affected:**  
Undetermined

**CFR Citation:** 29 CFR 5

haul materials and supplies to the site of a Davis-Bacon covered project.

**Legal Deadline:** None

**Timetable:**

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Bldg., Washington, DC 20210, 202 219-8305

**Abstract:** The Department intends to amend the regulations defining the terms "construction," "prosecution," "completion," and "repair" on federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts. This revision is necessary to reflect the decision by the U.S. Court of Appeals for the District of Columbia Circuit in Building and Construction Trades Department, AFL-CIO v. United States Department of Labor, Wage Appeals Board, Midway Excavators, Inc., 932 F.2d 985 (DC Cir. 1991). In that decision, the court invalidated the provisions in section 29 CFR 5.2(j) of the regulations that apply the act to employees of construction contractors and subcontractors who

Action	Date	FR Cite
NPRM	05/04/92	57 FR 19208
Interim Final Rule	05/04/92	57 FR 19204
NPRM Comment Period End	07/06/92	57 FR 19208
Final Action	00/00/00	

**RIN:** 1215-AA69

**Small Entities Affected:** None

**941. DEFINING THE TERMS "CONSTRUCTION" AND "REPAIRS" UNDER THE DAVIS-BACON AND RELATED ACTS**

**Government Levels Affected:** None

**Significance:** Agency Priority  
**Legal Authority:** 40 USC 276a-7; 40 USC 276c; 40 USC 327 to 332; Reorganization Plan No. 14 of 1950, 5 USC appendix; 5 USC 301; 29 USC 259; Statutes listed in 5.1(a) of 29 CFR 5

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

**RIN:** 1215-AA71

**DEPARTMENT OF LABOR (DOL)**

Completed Actions

**Employment Standards Administration (ESA)**

**942. GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT**

equipment which included a review of some procurements awarded to systems integrators. Based on information from these hearings, it was decided to reopen the comment period (cont)

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

**Significance:** Agency Priority  
**Legal Authority:** 41 USC 38; 41 USC 40

**Timetable:**

**CFR Citation:** 41 CFR 50-201.101(a)

Action	Date	FR Cite
NPRM	06/22/89	54 FR 2612
NPRM Comment Period End	07/24/89	54 FR 2612
Comment Period Reopened to End on	12/10/90	55 FR 50725
	02/08/91	
Final Action	07/16/92	57 FR 31566
Final Action Effective	08/17/92	57 FR 31566

**RIN:** 1215-AA33

**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Walsh-Healey Public Contracts Act regulations to provide an alternative "regular dealer" definition applicable to information systems integration businesses which bid on contracts to furnish the government with operational information processing ("ADP") systems. The alternative definition would relieve potential contractors in this industry from having to physically maintain inventories from which sales are made, a custom that is inconsistent with this industry's practices. A proposed rule was published on June 22, 1989 inviting public review and comment. Two comments were received during the comment period which ended July 24, 1989 (54 FR 2612). In addition, in November 1989, the Subcommittee on Legislation and National Security of the Committee on Government Operations, U.S. House of Representatives, held a series of hearings on the Federal Government's purchase of ADP

**Small Entities Affected:** None

**1943. CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT; ADDITION TO SCHEDULE OF COMPENSATION (PART 10) REGARDING FEMALE REPRODUCTIVE ORGANS**

**Government Levels Affected:** Federal

**Legal Authority:** 5 USC 8107(22)

**Additional Information:** ABSTRACT CONT: to ensure that interested parties have sufficient opportunity to submit comments, and to ensure that the Department has sufficient information in deciding what further rulemaking activity is appropriate. A notice was published on December 10, 1990 reopening the comment period until February 8, 1991 (55 FR 50725). A final rule was published on July 16, 1992, which became effective August 17, 1992 (57 FR 31566).

**CFR Citation:** 20 CFR 10.304

**Legal Deadline:** None

**Abstract:** The proposal would add female reproductive organs to the list of organs for which benefits may be paid for permanent loss of use (known as the compensation schedule). The statute lists certain organs for which benefits are payable and provides that the Secretary of Labor may add additional organs.



## DOL—ESA

## Completed Actions

## Timetable:

Action	Date	FR Cite
NPRM	09/20/91	56 FR 47713
NPRM Comment Period End	11/04/91	56 FR 47713
Final Action	04/27/92	57 FR 15226
Final Action Effective	04/27/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Thomas M. Markey, Director for Federal Employees' Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3229, FP Building, Washington, DC 20210, 202 219-7552

**RIN:** 1215-AA60

**1944. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY OR IN THE CAPACITY OF OUTSIDE SALESMAN"**

**Legal Authority:** PL 101-583; 29 USC 213

**CFR Citation:** 29 CFR 541

**Legal Deadline:** Final, Statutory, February 13, 1991.

**Abstract:** Public Law 101-583, enacted November 15, 1990, requires the issuance of regulations to permit certain higher-paid and highly-skilled computer systems analysts, computer programmers, software engineers, and other similarly skilled professional workers to qualify for exemption from the minimum wage and overtime requirements of the Fair Labor Standards Act. These interim final regulations contain the criteria for exemption under section 13(a)(1) of the Fair Labor Standards Act from minimum wage and overtime for certain workers employed in computer-related occupations.

## Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/91	56 FR 8250
Final Action	10/09/92	57 FR 46742
Final Action Effective	11/09/92	57 FR 46742

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

**RIN:** 1215-AA65

**1945. CLAIMS FOR BENEFITS UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT (FECA); LUMP SUM PAYMENT OF BENEFITS**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 8135

**CFR Citation:** 20 CFR 10.311

**Legal Deadline:** None

**Abstract:** The FECA provides the liability of the United States for compensation to a beneficiary under the Act may be discharged by a lump-sum payment. This proposed rule will set forth the basis under which this discretionary action will be exercised by the Secretary of Labor or the Secretary's designee.

## Timetable:

Action	Date	FR Cite
NPRM	12/26/91	56 FR 66817
NPRM Comment Period End	02/10/92	
Final Action	08/11/92	57 FR 35752
Final Action Effective	09/10/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** The Employees' Compensation Appeals Board (ECAB) decisions in Billy G. Reeder (issued July 19, 1991, November 13, 1991, and January 15, 1992) raised questions regarding procedures issued by the Office of Workers' Compensation Programs (OWCP) regarding consideration of requests for lump-sum payments of compensation. The rule would clarify the basis on which this discretionary function will be exercised.

**Agency Contact:** Thomas M. Markey, Director, Division of Federal Employees' Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3229, FP Building, Washington, DC 20210, 202 219-7552

**RIN:** 1215-AA67

**1946. ATTESTATIONS BY EMPLOYERS USING ALIEN CREWMEMBERS FOR LONGSHORE ACTIVITIES IN U.S. PORTS (D-1 VISAS)**

**Significance:** Agency Priority

**Legal Authority:** PL 101-649; 8 USC 1288(c)

**CFR Citation:** 29 CFR 506

**Legal Deadline:** Final, Statutory, May 28, 1991.

**Abstract:** This rule implements DOL's responsibilities under the 1990 amendments to the crewmember (d) visa (Public Law 101-649). The law prohibits the performance of longshore work by alien crewmen in U.S. ports, except in 5 circumstances, 2 of which are under DOL purview: (1) The employer has filed with DOL an attestation that the prevailing practice in the local port permits the work by alien crewmen; that there is no strike or lockout in the course of a labor dispute; that use of the alien labor is not intended or designed to influence the election of a bargaining representative at the port; that the employer has provided a notice of attestation to the bargaining representative or to longshore workers where there is no bargaining representative. (2) The employer operates self-unloading automated vessels for which the prevailing practice is presumed to be to use alien crewmembers for longshore work. The Employment Standards Administration will administer the enforcement provisions in the legislation through regulations that incorporate the labor standards/attestations issued by ETA, and set forth procedures for enforcement of those labor standards.

## Timetable:

Action	Date	FR Cite
NPRM	04/19/91	56 FR 16031
Interim Final Rule	05/30/91	56 FR 24648
Extension of Effective Date	01/03/92	57 FR 183
Extension of Effective Date	07/01/92	57 FR 29203
Extension of Effective Date	07/10/92	57 FR 30640
Final Action	09/08/92	57 FR 40966
Final Action Effective	10/08/92	57 FR 40966

**Small Entities Affected:** Undetermined



**Government Levels Affected:**

Undetermined

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Bldg., Washington, DC 20210, 202 219-8305

RIN: 1215-AA70

**1947. ● AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA**

**Legal Authority:** 38 USC 4211; 38 USC 4212; EO 11758 (39 FR 2075, January 15, 1974)

**CFR Citation:** 41 CFR 60-250

**Legal Deadline:** Final, Statutory, December 31, 1991.

**Abstract:** This amendment of the definition of veteran of the Vietnam Era implements the definitional change mandated by PL 102-16 (March 22, 1991). The statutory change extends the application of the definition from December 31, 1991 to December 31, 1994. There are no known additional costs associated with this change.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	12/31/91	57 FR 498
Final Action	01/06/92	57 FR 498

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210, 202 219-9430

RIN: 1215-AA73

**1948. ● UPDATE OF MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT VEHICLE INSURANCE REGULATIONS**

**Significance:** Agency Priority

**Legal Authority:** 29 USC 1841(b)(3)

**CFR Citation:** 29 CFR 500.121(b)

**Legal Deadline:** None

**Abstract:** Pursuant to section 401(b)(3)

of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), farm labor contractors, agricultural employers, and associations who transport migrant and seasonal agricultural workers are required to maintain certain minimum levels of insurance sufficient to satisfy liability for personal injury and damage to property. Section 401(b)(3) of MSPA provides that the required level of insurance shall be at least the amount required for common carriers of passengers under part II of the Interstate Commerce Act, and any successor provision of subtitle IV of title 49 of the United States Code, and regulations prescribed thereunder. Effective November 19, 1985, the insurance requirements under the Interstate Commerce Act were increased through rulemaking by the Interstate Commerce Commission. The MSPA vehicle liability insurance requirement, therefore, must also increase by operation of law. The Department modified the MSPA regulations to reflect the statutorily-mandated increases in liability (Cont)

**Timetable:**

Action	Date	FR Cite
NPRM	12/09/91	56 FR 64216
NPRM Comment Period End	01/08/92	
Final Action	01/31/92	57 FR 3904
Final Action Effective	02/01/92	57 FR 3904

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: insurance for transportation providers, effective February 1992.

**Agency Contact:** Solomon Sugarman, Chief, Branch of Farm Labor Programs, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3510, FP Building, Washington, DC 20210, 202 219-7605

RIN: 1215-AA74

**1949. EXEMPTIONS FROM MINIMUM WAGE AND OVERTIME COMPENSATION REQUIREMENTS OF THE FAIR LABOR STANDARDS ACT; PUBLIC SECTOR EMPLOYERS**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 213(a)(1)

**CFR Citation:** 29 CFR 541

**Legal Deadline:** None

**Abstract:** In response to recent developments in private litigation, the Department is revising the regulations to clarify certain requirements for exemption of public sector employees as bona fide executive, administrative, and professional employees under section 13(a)(1) of the Fair Labor Standards Act. On September 6, 1991, the Department published an interim final rule (56 FR 45824) and a proposed rule (56 FR 45828) to revise the regulations to provide an exception from the requirement for payment "on a salary basis" to reflect public sector compensation practices which, in some cases, are based on statutes or regulations regarding the accountability of public employees.

**Timetable:**

Action	Date	FR Cite
NPRM Public Sector Overtime Liability	09/06/91	56 FR 45828
Interim Final Rule-Exception from Salary Basis Definition	09/06/91	56 FR 45824
NPRM Withdrawal	08/19/92	57 FR 37678
NPRM Withdrawal Effective Date	08/19/92	57 FR 37678
Final Action	08/19/92	57 FR 37666
Final Action Effective	09/18/92	57 FR 37666

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

RIN: 1215-AA77

**1950. ● REPORTING AND EMPLOYMENT REQUIREMENTS FOR EMPLOYERS OF CERTAIN WORKERS EMPLOYED IN SEASONAL AGRICULTURAL SERVICES**

**Legal Authority:** 8 USC 1160; 8 USC 1161; 29 USC 1801 et seq; Section 502(b) also issued under 29 USC 49k

**CFR Citation:** 29 CFR 502



## DOL—ESA

## Completed Actions

## Legal Deadline: None

**Abstract:** Section 210A of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act, requires an employer to report information on certain resident aliens who perform seasonal agricultural services as defined in the INA. Resident aliens identified with an Immigration and Naturalization Service (INS) Alien Registration Number ("A" number) in a particular series are subject to the reporting requirement. INS changed the alien registration number series for reportable workers under INA in October 1989. Regulations 29 CFR Part 502, Reporting and Employment Requirements for Employers of Certain Workers Employed in Seasonal Agricultural Services are revised to conform to the INS changes. Hearing requests to contest civil money penalty assessments for violations of INA or these regulations must be in writing within thirty days of the notice of assessment. The regulations are revised to provide that hearing requests be sent to the official who issued the notice of civil money penalty assessment at the address appearing on the assessment notice.

## Timetable:

Action	Date	FR Cite
Final Action	06/18/92	57 FR 27342
Final Action Effective	06/18/92	57 FR 27342

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Solomon Sugarman, Chief, Branch of Farm Labor Programs, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., S3510, FP Building, Washington, DC 20210, 800 800-0235

**RIN:** 1215-AA79

**1951. ● LABOR STANDARDS ON FEDERALLY FINANCED AND ASSISTED CONSTRUCTION AND CERTAIN NONCONSTRUCTION CONTRACTS (DAVIS-BACON "HELPER" REGULATIONS)**

**Legal Authority:** 40 USC 276a-7; 40 USC 276c; Reorganization Plan No. 14 of 1950

**CFR Citation:** 29 CFR 5.5(a)(4)

**Legal Deadline:** None

**Abstract:** The Department has removed section 5.5(a)(4)(iv) of 29 CFR Part 5, relating to a maximum allowable ratio

of two semi-skilled "helpers" for every three journeymen utilized on Federal construction projects subject to the Davis-Bacon and Related Acts. On April 21, 1992, the U.S. Court of Appeals for the District of Columbia Circuit held that the fixed maximum ratio contained in this section of the regulations was arbitrary and, therefore, invalid. All other provisions of the helper regulations were upheld. Thus, section 5.5(a)(4)(iv) was removed to conform to the court decision. See Building and Construction Trades Department, AFL-CIO v. Martin, Civ. No. 90-5345 (D.C. Cir. April 21, 1992).

## Timetable:

Action	Date	FR Cite
Final Action	06/26/92	57 FR 28776
Final Action Effective	06/26/92	57 FR 28776

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Karen R. Keesling, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

**RIN:** 1215-AA81

## DEPARTMENT OF LABOR (DOL)

## Prerule Stage

## Employment and Training Administration (ETA)

**1952. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT**

**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 will be published and subsequent rulemaking may result.

## Timetable:

Action	Date	FR Cite
ANPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State, Federal

**Agency Contact:** Alicia Fernandez-Mott, National Monitor Advocate, Department of Labor, Employment and Training Administration, 200 Constitution Ave. NW., Rm N4470, FP Building, Washington, DC 20210, 202 535-0174

**RIN:** 1205-AA37

## DEPARTMENT OF LABOR (DOL)

## Proposed Rule Stage

## Employment and Training Administration (ETA)

**1953. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1552

**CFR Citation:** 20 CFR 618

**Legal Deadline:** None

**Abstract:** These regulations are being developed to implement the monetary

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"



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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. The U.S. Supreme Court ruled on March 25, 1987 that the legislative veto provisions were unconstitutional but the first right-to-hire provisions were constitutional, therefore, rulemaking can proceed on the (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/93	
NPRM Comment Period End	10/00/93	
Final Action	06/00/94	

**Small Entities Affected:** None**Government Levels Affected:** Local, State, Federal**Additional Information:** ABSTRACT  
CONT: monetary benefit aspects of the employee protection provisions.

**Agency Contact:** Sandra T. King, Chief, Division of Program Development and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Rm C4514, FP Bldg., Washington, DC 20210, 202 535-0309

RIN: 1205-AA07

**1954. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM****Significance:** Agency Priority**Legal Authority:** 42 USC 301 Older Americans Act of 1965**CFR Citation:** 20 CFR 674**Legal Deadline:** None

**Abstract:** The Senior Community Service Employment Program has not published final regulations since 1976. For a variety of reasons that are no

longer pertinent, proposed revisions published for comment in 1990 and 1985 were not promulgated in final. Thus statute Title V of the Older Americans Act, mandates that the Senior Community Service Employment Program is to be administered and regulations are to be issued by the Department of Labor. With reauthorization of the Older Americans Act scheduled for late 1991, but still not completed, a new opportunity presents itself. Immediately after reauthorization, the Department of Labor will enter into formal proposed and final rulemaking.

**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
NPRM Second	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** State, Federal

**Agency Contact:** Paul A. Mayrand, Director, Office of Special Targeted Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Rm N4641, FP Bldg., Washington, DC 20210, 202 535-0500

RIN: 1205-AA29

**1955. ADVANCES UNDER TITLE XII, SSA, AND TAX CREDIT UNDER FUTA****Significance:** Regulatory Program**Legal Authority:** 26 USC 7805; 42 USC 1302**CFR Citation:** 20 CFR 606**Legal Deadline:** None

**Abstract:** Since 1981, Congress has enacted major changes in the Federal Unemployment Tax Act (FUTA) and Social Security Act (SSA) with respect to advances to States for the payment of unemployment insurance and the repayment of such advances and interest thereon. Promulgation of comprehensive regulations is being undertaken in two phases. The proposed rule will replace instructions contained in several Unemployment Insurance Program Letters approved under OMB No. 1205-0199 expiring November 30, 1993. This action

represents the second phase, governing States receiving and voluntarily repaying advances to their unemployment funds and paying interest in such advances. The final rule for the first phase, governing relief from automatic repayment and interest charges, was published in the Federal Register on September 26, 1988 (RIN 1205-AA14).

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	
Final Action	03/00/94	

**Small Entities Affected:** None**Government Levels Affected:** State, Federal

**Agency Contact:** Sandra T. King, Chief, Division of Program Development and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4514, FP Building, Washington, DC 20210, 202 535-0309

RIN: 1205-AA65

**1956. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES****Legal Authority:** INA 212 (a)(5)(A)**CFR Citation:** 20 CFR 656**Legal Deadline:** None

**Abstract:** Before the Department of State (DOS) and the Immigration and Naturalization Service (INS) may issue visas and admit certain immigrant aliens to work permanently in the United States, the Secretary of Labor pursuant to Section 212(a)(5)(A) of the Immigration and Naturalization Act (INA) must certify to the Secretary of State and to the Attorney General that: (a) There are not sufficient United States workers who are able, willing, qualified and available at the time of the application for a visa and admission into the United States and at the place where the alien is to perform work; and (b) The employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers (8 USC 1182(a)(5)(A) of the Department of Labor (DOL) has promulgated regulations at 20 CFR Part 656 pursuant to and to implement section 212(a)(5)(A) INA 212(a)(5)(A). These regulations set forth the fact finding process designed



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to support the granting or denial of a permanent labor certification.  
Experience in (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	03/00/93	
Final Action	07/00/93	
Final Action Effective	08/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Additional Information:** ABSTRACT CONT: administering the regulations to the certification of immigrant aliens for permanent employment in the United States indicates that a number of changes should be made to these regulations to make labor certification process more efficient and clarify ambiguities in the present regulations.

**Agency Contact:** Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4470, FP Building, Washington, DC 20210, 202 535-0157

**RIN:** 1205-AA66

**1957. ● IMPLEMENTATION OF DEFENSE AUTHORIZATION ACT AMENDMENTS TO TITLE III OF THE JOB TRAINING PARTNERSHIP ACT**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 1662; 29 USC 1662(c)

**CFR Citation:** 29 CFR 531, subpart I

**Legal Deadline:** None

**Abstract:** Regulatory action is necessary to provide specific requirements and guidelines for programs designed to assist workers dislocated as a consequence of reductions in Defense Department procurement and activities, including both personnel and facilities reductions in the military, in compliance with the Defense Authorization Act of 1990 (H. 12045). Under the Act grants may be made to States, substate grantees, employers, employer associations, and representatives of employees to provide training, adjustment assistance and employment services to such eligible dislocated workers in accordance with

the requirements of the Act. These provisions are being promulgated to implement the amendment to the Job Training Partnership Act (JTPA) enacted as part of the Defense Authorization Act which added a new Section 326 to Title III of JTPA.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	01/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Robert N. Colombo, Director, Office of Worker Retraining and Adjustment Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4469, FP Building, Washington, DC 20210, 202 535-0577

**RIN:** 1205-AA85

**1958. PERMANENT LABOR CERTIFICATION PROGRAM: PILOT LABOR MARKET INFORMATION AND NOTICE PROVISIONS**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-649

**CFR Citation:** 20 CFR 656

**Legal Deadline:** NPRM, Statutory, October 1, 1991. Final, Statutory, April 1, 1992. Other, Statutory, September 30, 1994.

The law becomes effective on October 1, 1991, and is effective until September 30, 1994. Implementing regulations for this program will be published by April 1, 1992. (cont)

**Abstract:** This rule is necessary to implement section 122 of Public Law 101-649, the Immigration Act of 1990. This section requires the Secretary of Labor to establish a pilot which provides for a determination of labor shortages or surpluses in up to 10 occupational classifications. The occupation may then be used in lieu of an individual, case-by-case labor certification. The pilot program is effective during the 3-fiscal year period beginning with FY 92.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** LEGAL DEADLINE CONT: Implementing regulations for this program will be published by September 1992.

**Agency Contact:** Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N-4470, FP Building, Washington, DC 20210, 202 535-0157

**RIN:** 1205-AA87

**1959. JOB TRAINING PARTNERSHIP ACT AMENDMENTS OF 1992**

**Significance:** Agency Priority

**Legal Authority:** 29 USC 1501 et seq

**CFR Citation:** 20 CFR 626; 20 CFR 627; 20 CFR 628; 20 CFR 629; 20 CFR 630

**Legal Deadline:** Final, Statutory, December 18, 1992.

**Abstract:** The amendments focus on improving the targeting of programs to those facing serious barriers to employment, enhancing the quality of services provided, strengthening fiscal and program accountability, and promoting and coordinating programs and resources to more effectively provide job training and placement to the disadvantaged. The amendments were signed into law by the President on Monday, September 7, 1992.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/10/92	57 FR 41447
ANPRM Comment Period End	09/25/92	57 FR 41447
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	
Final Action	12/00/92	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State, Federal



## DOL—ETA

## Proposed Rule Stage

**Agency Contact:** Hugh S. Davies, Acting Director, Office of Employment and Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4703, FP Bldg., Washington, DC 20210, 202 535-0580

**RIN:** 1205-AA95

**1960. ● JOB TRAINING PARTNERSHIP ACT: NATIVE AMERICAN PROGRAMS AND MIGRANT AND SEASONAL FARMWORKER PROGRAMS**

**Significance:** Regulatory Program

**Legal Authority:** Title IV, Sec. 401 and 402 of the JTPA

**CFR Citation:** 20 CFR 632; 20 CFR 633

**Legal Deadline:** None

**Abstract:** The Department is considering a variety of options to improve quality in the Section 401 and 402 programs. The Department is also considering the feasibility of pursuing some of these options through regulatory change or policy guidance issuances. If the Department proceeds with any of these options, the Section 401 and 402 grantee communities will

be actively involved in the review of any possible regulatory changes.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Paul A. Mayrand, Director, Office of Special Targeted Program, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4641, FP Building, Washington, DC 20210, 202 535-0500

**RIN:** 1205-AA96

**1961. ● JOB CORPS ALLOWANCES AND ALLOTMENTS**

**Legal Authority:** 29 USC 1579(a)

**CFR Citation:** 20 CFR 638

**Legal Deadline:** None

**Abstract:** Job Corps is devising a new pay and allotment system which will provide students with enough money to

meet their basic needs, while adding greater incentives than are available in the current system to encourage retention, performance, program completion and length of enrollment. Payroll will be conducted bi-weekly versus the current twice monthly procedures. The intent is to tie implementation of the proposed rule with the implementation of the new Student Pay, Allowance and Management Information System (SPAMIS) in November 1992.

**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

Final Action 01/00/93

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mary H. Silva, Chief, Division of Program Management and Review, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4656, FP Building, Washington, DC 20210, 202 535-0568

**RIN:** 1205-AA98

## DEPARTMENT OF LABOR (DOL)

## Final Rule Stage

## Employment and Training Administration (ETA)

**1962. ● UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS**

**Significance:** Regulatory Program

**Legal Authority:** PL 104-164

**CFR Citation:** 20 CFR 614

**Legal Deadline:** None

**Abstract:** The regulations incorporate statutory amendments to the unemployment compensation for ex-servicemembers program contained in Section 301 of the Emergency Unemployment Compensation Act of 1991. These regulations will be issued as an interim final rule because the statutory changes became effective upon enactment. To provide an opportunity for public participation in the rulemaking, a comment period is provided.

**Timetable:**

Action	Date	FR Cite
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Interim Final Rule 01/00/93

Action	Date	FR Cite
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Final Action 06/00/93

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Sandra T. King, Chief, Division of Program Management and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4524, FP Building, Washington, DC 20210, 202 535-0309

**RIN:** 1205-AA06

**1963. ADMINISTRATIVE PROCEDURE, FEDERAL STATE UNEMPLOYMENT COMPENSATION PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** Not yet determined

**CFR Citation:** 20 CFR 601

**Legal Deadline:** None

**Abstract:** This proposed rule would replace outdated administrative regulations for the unemployment insurance (UI) program grants to States with reference to more current common administrative requirements for State governments codified elsewhere by the Department of Labor (DOL). Because of certain unique needs of the UI program, this action would also cover UI program exceptions to these requirements and clarifications of Employment and Training Administration (ETA) policy in applying requirements to State grantees. As a result, the proposed rule is expected to aid States in understanding and complying with the requirements.

**Timetable:**

Action	Date	FR Cite
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Interim Final Rule 09/00/93

Final Action 01/00/94

**Small Entities Affected:** None

**Government Levels Affected:** State



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**Additional Information:** The regulations proposed to be amended were last amended in 1977 and 1981, and since that time DOL has implemented changes in requirements for State governments which now need to be reflected in UI program regulations.

**Agency Contact:** Mary Ann Wyrsh, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Rm N4231, FP Bldg., Washington, DC 20210, 202 219-7831

RIN: 1205-AA69

#### 1964. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

**Significance:** Regulatory Program

**Legal Authority:** 19 USC 2320

**CFR Citation:** 20 CFR 617

**Legal Deadline:** None

**Abstract:** These regulations implement the Amendments to the trade adjustment assistance provisions of the Trade Act of 1974 in Pub. L. 100-418 by expanding the eligibility for TAA to workers in the oil and natural gas industry engaged in exploration and drilling; requiring a written notice to workers believed to be covered by a certification issued by the Department and the publication of a notice of certification in a newspaper of general circulation; making participation in training a condition for receiving trade readjustment allowances; authorizing the waiver of training for a worker when training is not feasible or appropriate; authorizing the payment of TRA to a worker during breaks in training that do not exceed 14 days; basing TAA benefits on the workers most recent separation rather than first qualifying separation as previously applied; extending the authorization of the TAA program to September 30, 1993; and, making other changes.

#### Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48474
NPRM Comment Period End	12/30/88	53 FR 48474
Final Action	12/00/92	
Final Action Effective	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marvin Fooks, Director, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP Building, Washington, DC 20210, 202 219-0691

RIN: 1205-AA72

#### 1965. FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; CONFIDENTIALITY AND DISCLOSURE OF STATE RECORDS

**Significance:** Regulatory Program

**Legal Authority:** 42 USC 1302

**CFR Citation:** 20 CFR 603

**Legal Deadline:** None

**Abstract:** The Employment and Training Administration proposes to make rules regarding the disclosure of unemployment insurance wage and claim information by State agencies.

#### Timetable:

Action	Date	FR Cite
NPRM	03/23/92	57 FR 10064
NPRM Comment Period End	05/22/92	
Final Action	11/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Virginia Chupp, Unemployment Insurance Program Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4512, FP Bldg., Washington, DC 20210, 202 535-0200

RIN: 1205-AA74

#### 1966. LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS (REVISION)

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 50 The National Apprenticeship Act; 40 USC 276; 5 USC 3301

**CFR Citation:** 29 CFR 29 (Revision)

**Legal Deadline:** None

**Abstract:** ETA has undertaken a review of the Apprenticeship system to determine the role of apprenticeship in meeting America's future needs for a skilled work force. The Apprenticeship 2000 review, through research, review of existing materials and related

programs, is considering alternative ways to strengthen and expand apprenticeship and related training programs. Existing regulations governing apprenticeship programs may be revised to: 1) improve the existing programs ability to produce skilled workers to meet demands in the industries where it is now prevalent; and 2) expand the apprenticeship concept of training to fill the needs for skilled workers in additional industries.

#### Timetable:

Action	Date	FR Cite
NPRM	08/24/90	55 FR 34868
NPRM Comment Period End	10/23/90	55 FR 34868
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** James D. Van Erden, Administrator, Office of Work-Based Learning, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4649, FP Bldg., Washington, DC 20210, 202 535-0540

RIN: 1205-AA77

#### 1967. ATTESTATION PROCESS FOR HEALTH CARE FACILITIES SEEKING TO EMPLOY NONIMMIGRANT NURSES

**Significance:** Agency Priority

**Legal Authority:** Sec. 212 of Immigration and Nationality Act

**CFR Citation:** 20 CFR 655, subpart D; 29 CFR 504, subpart E

**Legal Deadline:** Final, Statutory, August 1, 1990.

**Abstract:** This regulation will implement section 212 of the Immigration and Nationality Act by adding a new subsection governing the admission to the United States of nonimmigrant nurses during a five year period.

#### Timetable:

Action	Date	FR Cite
NPRM	07/06/90	55 FR 27992
NPRM Comment Period End	08/06/90	55 FR 30720
Interim Final Rule	12/06/90	55 FR 50500
Final Action	10/00/92	

**Small Entities Affected:** Undetermined



## DOL—ETA

## Final Rule Stage

**Government Levels Affected:**

Undetermined

**Agency Contact:** Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Rm N4470, FP Building, Washington, DC 20210, 202 219-0157

RIN: 1205-AA84

**1968. PERMANENT LABOR CERTIFICATION PROGRAM: AMENDMENTS TO REGULATIONS AT 20 CFR PART 656**

**Significance:** Regulatory Program**Legal Authority:** 8 USC 1182(a)(5)(A); PL 101-649, Sec 122(b)**CFR Citation:** 20 CFR 656**Legal Deadline:** None

**Abstract:** The Employment and Training Administration proposes to amend its regulations relating to the certification of permanent employment of immigrant aliens in the U.S. The amendments implement the Immigration Act of 1990 and its amendments to the Immigration and Nationality Act.

**Timetable:**

Action	Date	FR Cite
NPRM	07/15/91	56 FR 32244
NPRM Comment Period End	08/14/91	56 FR 32244
Interim Final Rule	10/23/91	56 FR 54920
Final Action	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N-4470, Washington, DC 20210, 202 535-0157

RIN: 1205-AA86

**1969. OFF-CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS: ATTESTATION PROCESS**

**Significance:** Regulatory Program**Legal Authority:** PL 101-649**CFR Citation:** 20 CFR 655; 29 CFR 508**Legal Deadline:** Other, Statutory, October 1, 1991.

Other deadline is for interim final rule.

**Abstract:** This rule is necessary to implement section 221 of the Immigration Act of 1990, Public Law 101-649, which regards off-campus work authorization for students under the F-1 visa. In order to employ an F-1 student, the employer must provide the Secretary of Labor with an attestation that it has recruited for at least 60 days for the position, and that it will pay the greater of the prevailing or actual wage. The Secretary also has enforcement responsibility under this new law.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/06/91	56 FR 56860
Final Action	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N-4470, FP Bldg., Washington, DC 20210, 202 535-0157

RIN: 1205-AA88

**1970. TEMPORARY SPECIALIZED PROFESSIONAL OCCUPATIONS (H-1B) LABOR CONDITION APPLICATION PROCESS**

**Significance:** Regulatory Program**Legal Authority:** PL 101-649, Sec 205; PL 102-232**CFR Citation:** 20 CFR 655; 29 CFR 507**Legal Deadline:** Other, Statutory, October 1, 1991.

Other deadline is for interim final rule.

**Abstract:** This rule is necessary to implement certain revisions to the nonimmigrant H-1B visa category made by Public Law 101-649. The law provides that no alien may be admitted or provided status under this category unless the petitioning employer attests to the Secretary of Labor that the employer is offering prevailing wages and working conditions and that there is not a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment. The law also directs the employer to notify the bargaining representative at the place of

employment of the filing of an H-1B petition. If there is no bargaining representative, the employer must post a notice in conspicuous locations at the place of employment. The law provides a procedure for any aggrieved person or organization to challenge the employer's attestation.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/91	56 FR 37175
NPRM Comment Period End	09/04/91	56 FR 37175
Interim Final Rule	01/13/92	57 FR 182
Final Action	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N-4470, FP Bldg., Washington, DC 20210, 202 535-0157

RIN: 1205-AA89

**1971. IMPLEMENTATION OF CLEAN AIR ACT AMENDMENTS TO TITLE III OF THE JOB TRAINING PARTNERSHIP ACT (JTPA)**

**Significance:** Regulatory Program**Legal Authority:** 29 USC 1579(a); 29 USC 1662e(i)**CFR Citation:** Not yet determined**Legal Deadline:** Final, Statutory, May 14, 1991.

**Abstract:** Regulatory action is necessary to provide specific requirements and guidelines for programs designed to assist workers dislocated as a consequence of compliance with the Clean Air Act of 1990 (S. 1630). Under the act, grants may be made to States, certain substate grantees, employers, employer associations and representatives of employees -- to provide training, adjustment assistance and employment services to eligible individuals, and to make needs-related payments to such individuals in accordance with the requirements of the Act. These provisions are being promulgated to implement the amendment to the Job Training Partnership Act (JTPA) enacted as part of the Clean Air Act



DOL--ETA

Final Rule Stage

which added a new Section 326 to Title III of JTPA.

**Timetable:**

Action	Date	FR Cite
NPRM	03/24/92	57 FR 10232
NPRM Comment Period End	04/23/92	
Final Action	12/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Mr. Robert N. Colombo, Director, Office of Worker Retraining and Adjustment Programs, Department of Labor, Employment and Training Administration, 200

Constitution Avenue NW., Room N-4469, Washington, DC 20210, 202 535-0577

RIN: 1205-AA92

**1972. ● EXTENDED BENEFITS IN THE FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM**

**Legal Authority:** PL 102-318

**CFR Citation:** 20 CFR 615

**Legal Deadline:** None

**Abstract:** The regulations incorporate statutory amendments to the permanent Federal-State Extended Benefits Program contained in the Unemployment Compensation Amendments of 1992.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/93	
Final Action	08/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Agency Contact:** Sandra T. King, Chief, Division of Program Development, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4514, FP Building, Washington, DC 20210, 202 535-0309

RIN: 1205-AA97

**DEPARTMENT OF LABOR (DOL)**

Completed Actions

**Employment and Training Administration (ETA)**

**1973. LIMITATIONS ON LONGSHORE WORK BY ALIEN CREWMEMBERS**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-649, Sec 203

**CFR Citation:** 20 CFR 655; 29 CFR 506

**Legal Deadline:** Other, Statutory, May 27, 1991.

Other deadline is for interim final rule.

**Abstract:** This rule is necessary to implement certain amendments to the crewmember (d) visa category made by Public Law 101-649. The law prohibits the performance of longshore work by alien crewmen unless their employer has filed with the Secretary of Labor an attestation that such work has been traditionally performed by alien crewmen; there is no strike or lockout in the course of a labor dispute; and use of the alien labor is not intended or designed to influence the election of a bargaining representative at the facility. The law also requires the employer to provide a notice of the attestation to bargaining representative or to longshore workers where there is no bargaining representative.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/91	56 FR 16031
Interim Final Rule	05/30/91	56 FR 24648

Action	Date	FR Cite
Extension of Interim Final Rule	01/03/92	57 FR 182
Final Action	09/08/92	57 FR 40966
Final Action Effective	10/08/92	57 FR 40966

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N-4470, FP Building, Washington, DC 20210, 202 535-0157

RIN: 1205-AA90

**1974. LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE IN THE UNITED STATES - PREVAILING PRACTICE DETERMINATIONS**

**Significance:** Regulatory Program

**Legal Authority:** 8 USC 1101(a)(15)(H) and 1184(c)

**CFR Citation:** 20 CFR 655

**Legal Deadline:** None

Required by Court Order - Regulation is to be published "with dispatch".

**Abstract:** To establish a methodology for determining when a practice being engaged in or a benefit being offered is "prevailing". Such determinations govern the inclusion of certain benefits in job offers for workers submitted by employers in conjunction with applications for temporary alien agricultural labor certification under the H-2A program.

**Timetable:**

Action	Date	FR Cite
NPRM	02/12/91	56 FR 5670
NPRM Comment Period End	03/14/91	
Final Action	09/17/92	57 FR 43118
Final Action Effective	10/19/92	57 FR 43118

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert J. Litman, Acting Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N-4470, FP Bldg., Washington, DC 20210, 202 535-0157

RIN: 1205-AA93



## DEPARTMENT OF LABOR (DOL)

Prerule Stage

## Pension and Welfare Benefits Administration (PWBA)

**1975. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT****Significance:** Agency Priority**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 and related provisions contained in section 414(p) of the Internal Revenue Code which were added by the Retirement Equity Act of 1984.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Additional Information:** PWBA is considering the publication of proposed regulations under section 206(d)(3) of ERISA and related provisions contained in section 414(p) of the Internal Revenue Code which would clarify the statutory requirements pertaining to Qualified Domestic Relations Orders (QDROs). Under amendments effected by the Retirement Equity Act of 1984

(REA) to the anti-assignment and alienation provisions of ERISA and the Code, benefits under a pension plan may be assigned or alienated pursuant to a domestic relations order only if the order constitutes a QDRO. This ANPRM is intended to facilitate early public participation in the development of regulations, in the event that regulations are proposed.

**Agency Contact:** Susan Rees, Staff Attorney, Plan Benefits Security Division, Department of Labor, Office of the Secretary, 200 Constitution Ave. NW., Rm N4611, FP Bldg., Washington, DC 20210, 202 219-9141

**RIN:** 1210-AA19**1976. DEFINITION OF PARTICIPANT COVERED UNDER THE PLAN****Significance:** Agency Priority**Legal Authority:** 29 USC 1135**CFR Citation:** 29 CFR 2510.3-3**Legal Deadline:** None

**Abstract:** Regulation 29 CFR 2510.3-3(d)(2)(ii) describes the circumstances under which a plan participant receiving a distribution of benefits ceases to be a participant covered under the plan. Under the existing regulation, a participant covered under a pension plan loses his status as such where he receives an annuity contract guaranteeing his benefits from an

insurance company licensed to do business in a state. PWBA will solicit suggestions from the public with respect to development of a proposed amendment of this regulation that would provide that a participant covered under a pension plan would not automatically lose his status upon purchase of an annuity.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/21/91	56 FR 28638
ANPRM	09/19/91	56 FR 36750
Comment		
Period End		

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210, 202 219-7461

**RIN:** 1210-AA39

## DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

## Pension and Welfare Benefits Administration (PWBA)

**1977. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR MULTIEMPLOYER PLANS****Significance:** Agency Priority**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 multiemployer 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 Previous	08/08/80	45 FR 52824
Notice of Public Hearing on Previous	11/12/80	45 FR 74727
NPRM	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Additional Information:** The Pension and Welfare Benefits Administration (PWBA) is holding this regulation in abeyance pending completion of the PWBA's comprehensive review of

options related to the reporting and disclosure requirements under ERISA.

**Agency Contact:** Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave. NW., Rm N5669, FP Bldg., Washington, DC 20210, 202 219-7461

**RIN:** 1210-AA02**1978. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS****Significance:** Agency Priority**Legal Authority:** 29 USC 1025; 29 USC 1059; 29 USC 1135**CFR Citation:** 29 CFR 2520; 29 CFR 2530



DOL—PWBA

Proposed Rule Stage

**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 multiemployer plan benefit reporting regulation.

**Timetable:**

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM Previous	08/01/80	45 FR 51231
Notice of Public Hearing on Previous	11/12/80	45 FR 74728
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** The Pension and Welfare Benefits Administration (PWBA) is holding this regulation in abeyance pending completion of the PWBA's comprehensive review of legislative options related to the reporting and disclosure requirements under ERISA.

**Agency Contact:** Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave. NW., Rm N5669, FP Bldg., Washington, DC 20210, 202 219-7461

RIN: 1210-AA03

**1979. ● DEFINITION OF "PLAN ASSETS"—PARTICIPANT CONTRIBUTIONS**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 1103; 29 USC 1135

**CFR Citation:** 29 CFR 2550.403b-1

**Legal Deadline:** None

**Abstract:** Section 403(a) of ERISA requires that all assets of an employee benefit plan be held in trust by one or more trustees pursuant to a written trust instrument, except as otherwise provided in section 403(b). This regulation would provide guidance with respect to a circumstances under which participant monies paid to, or withheld by employers in connection with, certain welfare plans may not be subject to the trust requirement of section 403(a).

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave. NW., Rm N5669, FP Building, Washington, DC 20210, 202 219-7461

RIN: 1210-AA16

**1980. TIME AND MANNER OF NOTICE REQUIREMENT UNDER ERISA SECTION 101(D)**

**Significance:** Agency Priority

**Legal Authority:** 29 USC 1021

**CFR Citation:** 29 CFR 2520.101

**Legal Deadline:** None

**Abstract:** Section 101(d) of ERISA provides that when an employer maintaining a plan other than a multiemployer plan fails to make a required installment or other payment required to meet minimum funding standards under section 302 to a plan before the 60th day following the due date, the employer shall notify each participant and beneficiary of such failure. Section 101(d) also provides that the notice shall be made at such time and in such manner as the Secretary shall provide. Because OBRA 1989 added section 502(c)(3) to permit the imposition of substantial penalties upon employers who fail to give the notice required by section 101(d), there will be an increased need for regulatory guidance by the Secretary as to the time and manner in which notice under section 101(d) must be provided.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210, 202 219-7461

RIN: 1210-AA38

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Pension and Welfare Benefits Administration (PWBA)

**1981. 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	05/17/88	53 FR 17632
NPRM Comment	07/18/88	
Period End		
Final Action	02/00/94	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Daniel Maguire, Staff Attorney, Plan Benefits Security

Division, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Rm N4611, FP Building, Washington, DC 20210, 202 219-9592

RIN: 1210-AA15

**1982. CIVIL PENALTIES UNDER ERISA SECTION 502(L)**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 1132



DOL—PWBA

Final Rule Stage

**CFR Citation:** 29 CFR 2570.80 (Procedural); 29 CFR 2560.502(1)-1 (Substantive)

**Legal Deadline:** None

**Abstract:** Section 502(1) of ERISA requires the Secretary of Labor to assess a civil penalty to a fiduciary who breaches or commits a violation of part 4 of Title I of ERISA, or any other person who knowingly participates in such breach or violation by any other person. The Department has published an interim rule setting for the procedures for the assessment of penalties under ERISA section 502(1) and for petitioning the Secretary to exercise his or her discretion to waive

or reduce the mandated assessment, as well as a proposed rule that defines the following pivotal terms contained in section 502(1): "applicable recovery amount", "breach of fiduciary responsibility or violation", and "settlement agreement" or "court order." The Department intends to finalize these two regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/90	55 FR 25284
Interim Final Rule	06/20/90	55 FR 25284
NPRM Comment Period End	08/20/90	55 FR 25284

Action	Date	FR Cite
Final Action	06/00/93	
<b>Small Entities Affected:</b> Undetermined		
<b>Government Levels Affected:</b> Undetermined		
<b>Agency Contact:</b> Vicki Shteir-Dunn, Staff Attorney, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N4611, FP Building, Washington, DC 20210, 202 219-9141		
RIN: 1210-AA37		

**DEPARTMENT OF LABOR (DOL)**

**Completed Actions**

**Pension and Welfare Benefits Administration (PWBA)**

**1983. 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	09/03/87	52 FR 33508
NPRM Comment Period End	11/02/87	
NPRM - Second	03/13/91	56 FR 10724
NPRM - Second, Comment Period End	05/13/91	
Final Action	10/13/92	57 FR 46906

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Daniel Maguire, Staff Attorney, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave. NW., Rm N4611,

FP Bldg., Washington, DC 20210, 202 219-9592

RIN: 1210-AA08

**1984. SUMMARY ANNUAL REPORT**

**Significance:** Agency Priority

**Legal Authority:** 29 USC 1024

**CFR Citation:** 29 CFR 2520

**Legal Deadline:** None

**Abstract:** This rule would revise current requirements with respect to the Summary Annual Report (SAR) to eliminate unnecessary paperwork, improve the effectiveness of its contents, and include important information not currently required to be part of the SAR.

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/06/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PWBA is holding this regulation in abeyance pending completion of its comprehensive review of legislative options related to the reporting and disclosure requirements under ERISA.

**Agency Contact:** Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution

Avenue NW., Room N5669, FP Building, Washington, DC 20210, 202 219-7461

RIN: 1210-AA36

**1985. TRUST EXEMPTION**

**Significance:** Agency Priority

**Legal Authority:** 29 USC 1103; 29 USC 1135

**CFR Citation:** 29 CFR 2550.403b-1

**Legal Deadline:** None

**Abstract:** Section 403(a) of ERISA requires that all assets of an employee benefit plan be held in trust by one or more trustees pursuant to a written trust instrument, except as otherwise provided in section 403(b). This regulation would provide guidance with respect to a circumstances under which participant monies paid to, or withheld by employers in connection with, certain welfare plans may not be subject to the trust requirement of section 403(a).

**Timetable:**

Action	Date	FR Cite
Merged with RIN 1210-AA16	08/14/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution



## DOL—PWBA

## Completed Actions

Avenue NW., Room N5669, FP Building,  
Washington, DC 20210, 202 219-7461

RIN: 1210-AA40

## DEPARTMENT OF LABOR (DOL)

## Proposed Rule Stage

## Office of Labor Management Standards (OLMS)

**1996. ● ABBREVIATED ANNUAL FINANCIAL REPORTS FOR SMALL LABOR ORGANIZATIONS**

**Legal Authority:** 29 USC 431; 29 USC 438; 5 USC 7120(d); 22 USC 4117(d)

**CFR Citation:** 29 CFR 402; 29 CFR 403; 29 CFR 458

**Legal Deadline:** None

**Abstract:** The Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), requires covered labor organizations to file an annual financial report with the Department of Labor. The regulations currently require

unions to file detailed annual financial reports (Form LM-2 or LM-3). The revision will implement an abbreviated annual financial report (Form LM-4) which may be filed by unions having approximately \$15,000 or less in annual receipts. The revised regulation will lessen the financial reporting burden on small labor organizations, many of which have frequent officer changes, part-time unpaid officers, and officers with minimal accounting/ bookkeeping expertise.

**Timetable:**

Action	Date	FR Cite
NPRM	09/10/92	57 FR 41634
NPRM Comment	10/13/92	57 FR 41634
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Kay H. Oshel, Chief, Division of Interpretations and Standards, Department of Labor, Office of Labor Management Standards, 200 Constitution Avenue NW., Room N5605, Washington, DC 20210, 202 219-7373

RIN: 1294-AA08

## DEPARTMENT OF LABOR (DOL)

## Final Rule Stage

## Office of Labor Management Standards (OLMS)

**1987. ● OBLIGATIONS OF FEDERAL CONTRACTORS AND SUBCONTRACTORS; NOTICE OF EMPLOYEE RIGHTS CONCERNING PAYMENT OF UNION DUES OR FEES**

**Significance:** Regulatory Program

**Legal Authority:** EO 12800

**CFR Citation:** 29 CFR 470

**Legal Deadline:** None

**Abstract:** This regulation will implement E.O. 12800 which requires government contractors and subcontractors to post notices informing their employees that (1) under federal law they cannot be required to join a union or maintain membership in a union to retain their jobs, and (2) employees who choose not to be union members may object to the use of their compulsory union dues and fees for activities other than collective bargaining, contract administration, and grievance adjustment, and may be entitled to a refund and an appropriate reduction in future payments. The proposed regulation, in accordance with E.O. 12800, also requires that, where applicable, each government contracting agency include certain provisions of the Order in its government contracts, and that

government contractors and subcontractors include these provisions in their nonexempt subcontracts and purchase orders.

**Timetable:**

Action	Date	FR Cite
NPRM	07/28/92	57 FR 33403
Interim	07/28/92	57 FR 33402
Procedural Notice		
NPRM Comment	08/27/92	
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Kay H. Oshel, Chief, Division of Interpretations and Standards, Department of Labor, Office of Labor Management Standards, 200 Constitution Avenue NW., Room N5605, FP Building, Washington, DC 20210, 202 219-7373

RIN: 1294-AA06

**1988. ● LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 431; 29 USC 438; 29 USC 461; 5 USC 7120(d); 22 USC 4117(d)

**CFR Citation:** 29 CFR 402; 29 CFR 403; 29 CFR 458

**Legal Deadline:** None

**Abstract:** This proposed regulatory amendment deals with the information that unions must disclose concerning their financial condition and operations under statutes requiring them to file financial reports (Form LM-2 or LM-3) with the Secretary. In view of developments in decisional law and accounting standards, it has been determined by the Secretary and announced by the President that unions should be required to disclose their finances in terms of the functions of their disbursements and generally accepted accounting principles.

**Timetable:**

Action	Date	FR Cite
NPRM	04/17/92	57 FR 14244
NPRM Comment	06/16/92	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None



DOL—OLMS

Final Rule Stage

**Agency Contact:** Kay H. Oshel, Chief,  
Division of Interpretations and  
Standard, Department of Labor, Office

of Labor Management Standards, 200

Constitution Avenue NW., Room N5605,  
Washington, DC 20210, 202 219-7373

RIN: 1294-AA07

## DEPARTMENT OF LABOR (DOL)

Prerule Stage

## Mine Safety and Health Administration (MSHA)

1989. ● INTRINSICALLY SAFE  
BATTERY-POWERED DEVICES

**Legal Authority:** 30 USC 957

**CFR Citation:** 30 CFR 7; 30 CFR 18

**Legal Deadline:** None

**Abstract:** MSHA proposes to revise existing part 18 specifications and test requirements for the approval of intrinsically safe battery-powered devices as a subpart to 30 CFR part 7. Under part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Patricia W. Silvey,  
Director, Office of Standards  
Regulations and Variances, Department  
of Labor, Mine Safety and Health  
Administration, 4015 Wilson Boulevard,  
Room 631, Arlington, VA 22203, 703 235-  
1910

RIN: 1219-AA59

1990. ● APPROVAL OF EXPLOSION-  
PROOF ENCLOSURES

**Legal Authority:** 30 USC 957

**CFR Citation:** 30 CFR 7; 30 CFR 18

**Legal Deadline:** None

**Abstract:** MSHA proposes to revise existing 30 CFR part 18 specifications

and test requirements for the approval of explosion-proof enclosures as a subpart to 30 CFR part 7. Under part 7, testing would be done by the applicant or a third party subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Patricia W. Silvey,  
Director, Office of Standards  
Regulations and Variances, Department  
of Labor, Mine Safety and Health  
Administration, 4015 Wilson Boulevard,  
Room 631, Arlington, VA 22203, 703 235-  
1910

RIN: 1219-AA60

1991. BELT ENTRY ADVISORY  
COMMITTEE

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 811; 30 USC  
957

**CFR Citation:** 30 CFR 75.350; 30 CFR  
75.326

**Legal Deadline:** None

**Abstract:** In June 1991, the Secretary established an advisory committee to make recommendations concerning the conditions under which air coursed through the belt entry could be safely used in the face areas of underground coal mines. A series of six public

advisory committee meetings began in April 1992, with the final meeting held in September 1992. To the extent possible, the advisory committee will make consensus recommendations with respect to: (1) the conditions under which belt haulage entries could be safely used as intake air courses to ventilate working places; (2) minimum velocities in conveyor belt haulageways, and (3) ventilation of escapeways.

**Timetable:**

Action	Date	FR Cite
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Belt Entry Report	08/25/89	54 FR 35956
Notice of	06/12/91	56 FR 27034

Establishment  
of Advisory  
Committee

Notice of	12/10/91	56 FR 64526
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Renewal of  
Charter

Committee to	10/00/92	
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Deliver  
Recommendation

Notice of	10/00/92	
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Availability of  
Report

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** A public hearing was held in April 1990.

**Agency Contact:** Patricia W. Silvey,

Director, Office of Standards,  
Regulations and Variances, Department  
of Labor, Mine Safety and Health  
Administration, 4015 Wilson Blvd.,  
Room 631, BT #3, Arlington, VA 22203,  
703 235-1910

RIN: 1219-AA76

## DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

## Mine Safety and Health Administration (MSHA)

1992. SAFEGUARD CRITERIA FOR  
HOISTING AND TRANSPORTATION

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 811

**CFR Citation:** 30 CFR 75.1403-11

**Legal Deadline:** None

**Abstract:** Transporting persons and material has been a leading cause of fatal accidents in underground coal mines. The Agency, however, has very



few mandatory standards addressing haulage hazards. The hoisting and transportation standards need to be updated to reflect advances in technology.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Businesses  
**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA12

**1993. SAFETY STANDARDS FOR EXPLOSIVES AT METAL AND NONMETAL MINES**

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 811

**CFR Citation:** 30 CFR 56, subpart E; 30 CFR 57, subpart E

**Legal Deadline:** None

**Abstract:** In March 1991, MSHA's January 1991 final rule revising its safety standards for explosives at metal and nonmetal mines was challenged in the U.S. Court of Appeals (D.C. Circuit). On September 12, 1991, (56 FR 46500) after a series of stays, MSHA issued a one-year, partial administrative stay of certain provisions of the final rule. After re-examining the rulemaking record, MSHA determined that the stayed provisions needed further public input. MSHA's proposed rule addresses the following stayed provisions: definitions of "blast site," "magazine," and "storage facility," the requirements for storage of packaged blasting agents, the location of explosive material storage facilities, vehicles used to transport explosives, primer protection, loading and blasting, double trunklines in nonelectric initiation systems, hazards of excessive temperatures and burning explosive material.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	04/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA17

**1994. NOISE STANDARD**

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 811

**CFR Citation:** 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71

**Legal Deadline:** None

**Abstract:** Hearing impairment is a serious occupational hazard in the mining industry. Many miners are consistently exposed to noise levels that are near maximum levels currently permitted by MSHA. As a result, miners may be suffering hearing impairment, notwithstanding existing MSHA noise standards. MSHA is using comments and information submitted in response to the December 1989 ANPRM to develop a proposed rule which would establish noise standards to apply to all mining.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/04/89	54 FR 50209
ANPRM	06/22/90	55 FR 6011
Comment Period End		
NPRM	03/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA53

**1995. CONFINED SPACES**

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 811

**CFR Citation:** 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 77

**Legal Deadline:** None

**Abstract:** The advance notice of proposed rulemaking published in December 1991 requested comments on how to address the hazards of working in confined spaces. In mining operations, the majority of the fatalities associated with confined spaces occur in storage bins, hoppers, and stockpiles. The primary hazards to miners occur from being trapped by shifting piles of loose materials, falling into materials, and being struck by overhanging materials. Many hazards are identical to those confined space hazards that exist in general industry for which OSHA issued a proposed rule on June 5, 1989 (54 FR 24080).

**Timetable:**

Action	Date	FR Cite
ANPRM	12/30/91	56 FR 67364
ANPRM	05/01/92	57 FR 8102
Comment Period End		
NPRM	08/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA54

**1996. REQUIREMENTS FOR APPROVAL OF FLAME-RESISTANT CONVEYOR BELTS**

**Legal Authority:** 30 USC 957

**CFR Citation:** 30 CFR 14; 30 CFR 18; 30 CFR 75

**Legal Deadline:** None

**Abstract:** Conveyor belts are one of the leading causes of fires in underground coal mines. These mines often use many miles of conveyor belts. The remote location of the belts can allow fires to start and spread to the coal before they are detected. MSHA has developed a new, more stringent test to evaluate the flame-resistance of conveyor belts. Belts passing the revised test would be resistant to ignition and to flame propagation. This



## DOL—MSHA

## Proposed Rule Stage

proposal would revise the existing approval regulations and address the use of the improved belting by mine operators.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA65

### 1997. WATERLINES IN BELT CONVEYOR ENTRIES

**Legal Authority:** 30 USC 811

**CFR Citation:** 30 CFR 75, subpart L

**Legal Deadline:** None

**Abstract:** MSHA currently requires waterlines to be installed along all belt conveyors in underground coal mines. Potential firefighting problems exist whenever air used to ventilate belt conveyor entries moves in an outby direction. Waterlines located in these entries are susceptible to severe damage caused by the spread of fire to the outby areas of where the water is needed to fight the fire. MSHA is currently evaluating the need to revise this regulation so that waterlines are located to effectively fight all fires, regardless of the direction of air flow.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA70

### 1998. CARBON MONOXIDE MONITOR APPROVAL

**Legal Authority:** 30 USC 957

**CFR Citation:** 30 CFR 12

**Legal Deadline:** None

**Abstract:** The use of carbon monoxide monitoring systems in underground coal mines can be effective in monitoring mine atmospheres to detect fires in the early stages of development. If mine operators depend on these systems for early fire detection, minimum performance criteria are necessary to ensure proper performance. MSHA intends to propose approval requirements for these systems for use in underground coal mines.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA72

### 1999. FIREFIGHTING AND ESCAPE AND EVACUATION PROGRAM

**Significance:** Agency Priority

**Legal Authority:** 30 USC 811

**CFR Citation:** 30 CFR 75.1101-23

**Legal Deadline:** None

**Abstract:** Currently 30 CFR 75.1101-23 requires each operator of an underground coal mine to adopt a program for mine evacuation in the event of an emergency, such as fire or explosion. However, the existing standard does not directly address heat sensing and carbon monoxide detection systems and the actions to be taken when such systems activate an alarm. In addition, regular review and update of firefighting and evacuation plans is not required by the existing standard. This rulemaking would address these issues.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA73

### 2000. DIESEL PARTICULATE

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 811

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** During the past decade, diesel-powered equipment has been introduced into the underground coal mining industry in increasing numbers. MSHA does not have regulations that specifically address the health hazards associated with the particulate in the exhaust emitted by diesel-powered equipment in underground mines. In July 1990 the National Institute for Occupational Safety and Health issued an exploratory risk assessment for diesel particulate based on an animal study. The Agency is in the early stages of developing a permissible exposure limit to control miners' exposure to diesel exhaust and reduce the incidence of illness and disease related to this substance in the mining industry. In January 1992, MSHA issued an advance notice of proposed rulemaking in which the Agency requested public comments on a series of issues relating to health effects, methods of monitoring to measure exposure, duration and frequency of exposure, and technological and economic feasibility. MSHA expects to address the appropriate exposure levels for diesel particulate in rulemaking after the public comments and data can be collected (CONT)

**Timetable:**

Action	Date	FR Cite
ANPRM	01/06/92	57 FR 500
Extension of Comment Period to 7/10/92	03/05/92	57 FR 7906
ANPRM Comment Period End	07/10/92	57 FR 7906
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal



**DOL—MSHA**

**Proposed Rule Stage**

**Additional Information:** ABSTRACT (CONT): and more fully evaluated.

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA74

**2001. HIGH-VOLTAGE LONGWALL EQUIPMENT**

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 811

**CFR Citation:** 30 CFR 18; 30 CFR 75

**Legal Deadline:** None

**Abstract:** This rulemaking would apply to high voltage longwall electric face equipment used in underground coal mines. Presently, 30 CFR 75.1002 precludes the use of high-voltage cables within 150 feet of pillar workings. Therefore, mine operators have had to file petitions for modification so that they may use high-voltage longwall equipment. High-voltage longwall equipment would still be required to comply with the requirements of part 18, but this rulemaking would address additional safety requirements for the use of high-voltage longwall equipment, including trailing cables, motor, and shearer cables.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/92	57 FR 39036
NPRM Comment Period End	10/26/92	57 FR 39036
Final Action	08/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA75

**2002. ● TRAINING AND RETRAINING OF MINERS**

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 811; 30 USC 825

**CFR Citation:** 30 CFR 48

**Legal Deadline:** None

**Abstract:** MSHA received many comments in response to its proposed rule on experienced miner and supervisor training that requested MSHA to address such issues as the appropriate training for different types of mining, the need for training of contractors, training for construction workers, and other suggested training changes. MSHA is reviewing these comments to determine what changes in the training regulations would be appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA77

**2003. ● EXAMINATIONS OF SURFACE WORK AREAS**

**Legal Authority:** 30 USC 811

**CFR Citation:** 30 CFR 77.1713

**Legal Deadline:** None

**Abstract:** Under 30 CFR 77.1713 coal mine operators are required to conduct examinations of each active working area of surface mines and active surface installations during each shift. Any hazardous conditions detected must be entered into a report of such examination along with a description of corrective actions taken. The Agency has interpreted this standard to exclude surface work areas of underground mines. The possibilities for hazards associated with such areas are numerous. The majority of the injuries and fatalities are a result of hazardous conditions not detected and corrected. This rulemaking would revise the standard to apply the on-shift examination requirement to surface such areas of underground mines. By conducting an on-shift examination of hazardous conditions in these areas, the mine operator will better guarantee a

safe working environment for the miners and a reduction in accidents.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** Patricia W. Silvey, Director, Office Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA78

**2004. ● DECERTIFICATION OF CERTIFIED AND QUALIFIED PERSONS**

**Significance:** Agency Priority

**Legal Authority:** 30 USC 957

**CFR Citation:** 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 77; 30 CFR 90; 30 CFR 48

**Legal Deadline:** None

**Abstract:** MSHA has several existing provisions that require the certification or qualification of individuals to perform certain tasks at mines. However, the Agency has no formal procedures for revoking a person's certification or qualification when evidence indicates that the individual does not adhere to required regulatory procedures. The Agency intends to develop generic procedures for decertification of individuals who no longer meet the requirements to be certified or qualified, or who have failed to comply with the law in their role as a certified or qualified person.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA79



## DOL—MSHA

## Proposed Rule Stage

**2005. SAFETY STANDARDS FOR OPERATION AND MAINTENANCE OF MACHINERY AND EQUIPMENT IN UNDERGROUND COAL MINES****Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 75.1725(c)**Legal Deadline:** None

**Abstract:** Currently, 30 CFR 75.1725(c) requires that the power be cut off and the machinery be blocked against motion before repairs can be done. MSHA proposes to revise this standard to clarify that activities involved in

extending or retreating conveyor belts be considered maintenance. The hazards that persons are exposed to while extending conveyor belts are essentially the same as those involved in more routine belt maintenance such as replacement or adjustment of rollers and installing and splicing new sections of belt.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA80

## DEPARTMENT OF LABOR (DOL)

## Final Rule Stage

## Mine Safety and Health Administration (MSHA)

**2006. 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:** MSHA has an established mining equipment approval program which includes evaluation criteria and corresponding safety standards requiring the use and maintenance of approved equipment. However, existing approval regulations do not generally apply to the diesel-powered equipment now being used in coal mines. In July 1988 an advisory committee convened by the Secretary of Labor made recommendations to the Secretary concerning standards for the use of diesel-powered equipment in underground coal mines. Based on those recommendations, MSHA published a proposed rule that addressed the approval and use of diesel equipment, including monitoring requirements for certain diesel emissions. Public hearings were held in February and March 1991.

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/89	54 FR 40950
NPRM Comment Period End	05/10/91	56 FR 13404
Final Action	03/00/93	

**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA27**2007. CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977****Significance:** Regulatory Program**Legal Authority:** 30 USC 811; 30 USC 957**CFR Citation:** 30 CFR 100**Legal Deadline:** None

**Abstract:** The final rule revises MSHA's procedures in 30 CFR part 100 for proposing civil penalties under the Federal Mine Safety and Health Act of 1977. The rule is responsive to a November 21, 1989, Order of the United States Court of Appeals for the District of Columbia Circuit. The changes are intended to encourage greater overall mine operator compliance with MSHA's safety and health standards.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/92	57 FR 2972
NPRM Comment Period End	04/24/92	57 FR 9518
Final Action	12/00/92	

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards,

Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA44**2008. HAZARD COMMUNICATION****Significance:** Regulatory Program**Legal Authority:** 30 USC 811; 30 USC 957**CFR Citation:** Not yet determined**Legal Deadline:** None

**Abstract:** The primary purpose of this action is to provide miners with the means to receive necessary information on the hazards of chemicals to which they are exposed and the actions necessary to protect their safety and health. In preparation of the rule, MSHA has reviewed OSHA's hazard communication standard and information collected by NIOSH as well as public comments received. MSHA's proposed rule pursued a performance-oriented approach that allows employees the flexibility to develop appropriate individual programs tailored to their particular workplace conditions. Hearings were held in October 1991. MSHA is reviewing all information received to develop a final rule.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/30/88	53 FR 10257
ANPRM Comment Period End	07/31/88	



Action	Date	FR Cite
NPRM	11/02/90	55 FR 46400
NPRM Comment	01/21/92	56 FR 48720
Period End		
Final Action	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA47

**2009. AIR QUALITY CHEMICAL SUBSTANCES AND RESPIRATORY PROTECTION STANDARDS**

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 811

**CFR Citation:** 30 CFR 56; 30 CFR 57; 30 CFR 58; 30 CFR 70; 30 CFR 71; 30 CFR 72; 30 CFR 75; 30 CFR 90

**Legal Deadline:** None

**Abstract:** MSHA's proposed rule incorporates permissible exposure limits which are applicable to the hazards encountered in metal and nonmetal mines and coal mines. The final rule will update permissible exposure limits and address methods of controlling such limits. Permissible exposure limits and standards for use of respiratory protective equipment will replace outdated incorporations by reference. The final rule also will update asbestos standards. Other issues being considered are: requirements for exposure monitoring; precautions for handling restricted-use chemicals; miner observation of monitoring; notification to workers of overexposures; miner access to exposure monitoring records; medical surveillance and transfer of miners required to use respirators and miners using certain carcinogens. Public hearings were held in June and October 1990 and March 1991.

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/89	54 FR 35760
NPRM Comment	08/30/91	56 FR 29201
Period End		
Final Action	12/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA48

**2010. EXPERIENCED MINER AND SUPERVISOR TRAINING**

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 811; 30 USC 825

**CFR Citation:** 30 CFR 48

**Legal Deadline:** None

**Abstract:** MSHA proposed to amend the definition of "experienced miner" to mean a miner who has had one year of mining experience and, for new miners hired after October 13, 1978, has completed new miner training. MSHA proposed to strengthen the training requirements for experienced miners by adding course requirements. Also, MSHA proposed to delete the supervisory personnel exemption from the training requirements. The comments received by MSHA on its September 1991 proposed rule addressed such issues as the appropriate training for different types of mining, the need for training of contractors, training for construction workers, and other suggested training changes. MSHA is reviewing these comments to determine the appropriateness of any further changes to the Agency's training regulations. Public hearings on the proposed rule were held in July 1992. MSHA intends to complete the more limited rulemaking of the current proposal by publishing a final rule in March 1993.

**Timetable:**

Action	Date	FR Cite
NPRM	09/24/91	56 FR 48376
NPRM Comment	08/24/92	57 FR 29853
Period End		
Final Action	03/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd.,

Room 631, BT #3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA55

**2011. APPROVAL OF ELECTRIC CABLES AND SPLICE KITS**

**Significance:** Agency Priority

**Legal Authority:** 30 USC 811; 30 USC 957

**CFR Citation:** 30 CFR 18; 30 CFR 7; 30 CFR 57; 30 CFR 75

**Legal Deadline:** None

**Abstract:** This final rule revises existing 30 CFR part 18 specifications and test requirements for the approval of electric cables and incorporates a new requirement for the approval of cable splice kits as a subpart to 30 CFR part 7. Under Part 7, testing is done by the applicant or a third party, subject to agency requirements and approval. The rule updates the existing approval criteria, establishes minimum standards for the material used to repair cables, and allows the introduction of new technology, where appropriate. Conforming amendments made to the agency's electrical safety standards in 30 CFR parts 57 and 75 require cables and splices to "be accepted or approved by MSHA as flame resistant."

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/90	55 FR 40124
NPRM Comment	11/30/90	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA57

**2012. APPROVAL OF ELECTRIC MOTOR ASSEMBLIES**

**Significance:** Agency Priority

**Legal Authority:** 30 USC 957

**CFR Citation:** 30 CFR 7; 30 CFR 18

**Legal Deadline:** None

**Abstract:** This final rule adds a new subpart to 30 CFR part 7 and revises



## DOL-MSHA

## Final Rule Stage

existing 30 CFR part 18 specifications and test requirements for the approval of electric motor assemblies. Under part 7, testing will be done by the applicant or a third party, subject to agency requirements and approval. MSHA's rule updates the existing approval criteria and allows the introduction of new technology, where appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/91	56 FR 10464
NPRM Comment Period End	06/14/91	
Final Action	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA61

## DEPARTMENT OF LABOR (DOL)

## Completed Actions

## Mine Safety and Health Administration (MSHA)

## 2013. UNDERGROUND COAL MINE VENTILATION

**Significance:** Regulatory Program

**Legal Authority:** 30 USC 811; 30 USC 957; 30 USC 961

**CFR Citation:** 30 CFR 70.2; 30 CFR 70.208; 30 CFR 75, subpart D; 30 CFR 75.2; 30 CFR 75.1701; 30 CFR 75.1704; 30 CFR 75.1704-1; 30 CFR 75.1704-2; 30 CFR 75.1707; 30 CFR 75.1705; 30 CFR 75.1706; 30 CFR 75.1103-4; 30 CFR 75.1103-7; 30 CFR 75.1721; 30 CFR 75.1801 through 1805

**Legal Deadline:** None

**Abstract:** The final rule published in May 1992 establishes revised standards for ventilation that apply to all underground coal mines, while retaining requirements for each underground mine to have a ventilation system and methane and dust control plan (ventilation plan). The final rule also includes provisions for the introduction of new technology for systematic monitoring of explosive methane gas, as well as gasses that may indicate a mine fire. Other important issues addressed deal with longwall systems, including installation and removal, and the ventilation of worked out areas. The existing escapeway standards contained in 30 CFR 75.1704 are incorporated into the rule.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/19/85	53 FR 47702
ANPRM Comment Period End	02/18/86	
NPRM	01/27/88	53 FR 2382
NPRM Comment Period End	09/02/88	53 FR 32257
Final Action	05/15/92	57 FR 20868
Final Action Effective Date Delayed Until	08/06/92	57 FR 34683
Final Action Effective	11/16/92	
Final Action Effective	08/16/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Public hearings were held during June 1988.

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA11

**2014. SAFETY STANDARDS FOR REFUSE PILES AND WASTE IMPOUNDMENT DAMS AT SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES**

**Legal Authority:** 30 USC 811

**CFR Citation:** 30 CFR 77, subpart C

**Legal Deadline:** None

**Abstract:** The final rule published in March 1992 addresses safety standards for refuse piles and impoundment structures used to dispose of refuse or to contain water, sediment, or slurry at coal mines under 30 CFR Part 77. This rulemaking also addresses certification and reporting requirements for refuse piles and impoundment structures, frequency of inspections of impoundments, and the method of abandoning impoundments and impounding structures.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/90	55 FR 24526
NPRM Comment Period End	01/18/91	55 FR 48806
Final Action	03/02/92	57 FR 7468
Final Action Effective	05/01/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, 703 235-1910

**RIN:** 1219-AA49



**DEPARTMENT OF LABOR (DOL)**

**Prerule Stage**

**Office of the Assistant Secretary for Administration and Management (OASAM)**

**2015. DEPARTMENT OF LABOR ACQUISITION REGULATIONS**

**Legal Authority:** 5 USC 301; 40 USC 486(c)

**CFR Citation:** 48 CFR 2900 to 2999

**Legal Deadline:** None

**Abstract:** Revisions to DOLAR reflect changes in the Federal Acquisition Regulations and organizational changes within DOL.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Melvin Goldberg, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for

Administration and Management, 200 Constitution Avenue NW., Room S1522, FP Bldg., Washington, DC 20210, 202 219-9174

**RIN:** 1291-AA20

**DEPARTMENT OF LABOR (DOL)**

**Proposed Rule Stage**

**Office of the Assistant Secretary for Administration and Management (OASAM)**

**2016. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR UNDER THE JOB TRAINING PARTNERSHIP ACT (JTPA) OF 1982, AS AMENDED**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 1551; 29 USC 1574; 29 USC 1577; 29 USC 1579

**CFR Citation:** 29 CFR 34

**Legal Deadline:** Final, Statutory, October 1, 1983.

Regulations to implement JTPA were required as of 10/1/83.

**Abstract:** DOL would propose the issuance of a regulation implementing the nondiscrimination provisions of JTPA. The regulation must be coordinated with the Department of Justice pursuant to Executive Order 12250, with the Equal Employment Opportunity Commission pursuant to Executive Order 12067, and with the Office of Management and Budget pursuant to Executive Order 12291, prior to publication as an NPRM.

**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Public Compliance Cost:** Initial Cost: \$0

**Sectors Affected:** None

**Agency Contact:** Annabelle T. Lockhart, Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Rm N4123, FP Building, Washington, DC 20210, 202 219-8927

**RIN:** 1291-AA02

**DEPARTMENT OF LABOR (DOL)**

**Final Rule Stage**

**Office of the Assistant Secretary for Administration and Management (OASAM)**

**2017. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

**Significance:** Agency Priority

**Legal Authority:** OMB Circular A-110

**CFR Citation:** 29 CFR 97

**Legal Deadline:** None

**Abstract:** On March 11, 1988 a common final rule was published which implemented OMB Circular A-102, Administrative Requirements for Grants and Cooperative Agreements with State and Local governments. OMB and DHHS have prepared a proposed common rule and revised Circular A-110 to conform the grants management requirements for non-governmental grantees with government grants. The common rule already published on

governmental grantees will be amended to incorporate non-governmental grants.

**Timetable:**

Action	Date	FR Cite
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NPRM 11/04/88 53 FR 44710

NPRM Comment 01/03/89

Period End

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Melvin Goldberg, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Rm S1522,

FP Bldg., Washington, DC 20210, 202 219-9174

**RIN:** 1291-AA15

**2018. NEW RESTRICTIONS ON LOBBYING**

**Significance:** Regulatory Program

**Legal Authority:** 31 USC 1352; PL 101-121, Sec 319; 5 USC 301 Reorganization Plan No. 6 of 1950

**CFR Citation:** 29 CFR 93

**Legal Deadline:** None

**Abstract:** This rule is in response to section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal



## DOL—OASAM

## Final Rule Stage

Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

**Agency Contact:** Melvin Goldberg, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room S1522, FP Building, Washington, DC 20210, 202 219-9174

RIN: 1291-AA18

## DEPARTMENT OF LABOR (DOL)

## Prerule Stage

## Occupational Safety and Health Administration (OSHA)

**2019. MEDICAL SURVEILLANCE PROGRAMS FOR EMPLOYEES**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b)

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** On January 19, 1989, OSHA modified (54 FR 2332) the Z table permissible exposure limits of 29 CFR 1910.1000 in response to current scientific data. Section 6(b) of the Act requires where appropriate, provision for medical surveillance in each 6(b) rulemaking for a harmful substance. A generic standard for medical surveillance would satisfy the requirements of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the tables. OSHA published an Advance Notice of Proposed Rulemaking on September 27, 1988, (53 FR 37595) to acquire additional information. OSHA also intends to review its compliance experience with medical surveillance provisions and seek experienced medical opinion in the form of a symposium or other public discussion. In addition, OSHA initiated a survey in 1990 to collect information regarding the prevalence and effectiveness of current medical surveillance programs. In October 1992, OSHA will determine whether or not to proceed with rulemaking.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37595
ANPRM	12/27/88	
Comment Period End		
Next Action to be Determined	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

RIN: 1218-AB00

**2020. EXPOSURE ASSESSMENT PROGRAMS FOR EMPLOYEES EXPOSED TO HAZARDOUS CHEMICALS**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b)

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** On January 19, 1989, OSHA modified (54 FR 2332) the Z table permissible exposure limits of 29 CFR 1910.1000 (General Industry) in response to current scientific data. Section 6(b)(7) of the Act requires provisions for exposure monitoring for each substance undergoing 6(b) rulemaking. A generic standard for exposure monitoring would satisfy the monitoring requirement of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the Z tables. OSHA published an Advance Notice of Proposed Rulemaking on September 27, 1988, (53 FR 37591). OSHA intends to review its compliance experience with exposure monitoring provisions and seek expert opinion to determine the appropriateness of generic exposure monitoring provisions. In addition, OSHA initiated a survey in 1990 to collect information regarding the prevalence and effectiveness of current exposure assessment programs. OSHA

will determine whether or not to proceed with rulemaking in October 1992.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37591
ANPRM	12/27/88	
Comment Period End		
Next Action to be Determined	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

RIN: 1218-AB01

**2021. ERGONOMIC SAFETY AND HEALTH STANDARDS**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b); 40 USC 333

**CFR Citation:** 29 CFR 1910

**Legal Deadline:** None

**Abstract:** The Bureau of Labor Statistics (BLS) has reported the number of reported "disorders associated with repeated trauma" have more than doubled since 1984. These serious, potentially crippling disorders account for 48 percent of all occupational illnesses reported to OSHA in 1988, up from 28 percent in 1984. These disorders are being recognized as very serious problems by the industrial nations of the world and some have promulgated ergonomic



## DOL—OSHA

## Prerule Stage

standards in the last several years. In November 1988, OSHA received a petition from a meat packing industry representative requesting the development of a standard covering ergonomic issues. Prior to issuing a Notice of Proposed Rulemaking (NPRM), OSHA will publish an Advance Notice of Proposed Rulemaking (ANPRM) to gather, review, and analyze available information in industry on individual case studies, anecdotal data, and statistical data in which ergonomic hazards have been addressed and resolved. OSHA also will seek this information from a variety of other sources.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/03/92	57 FR 34192
ANPRM	02/01/93	
Comment Period End		
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Roger A. Clark, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AB36

**2022. INDOOR AIR QUALITY IN THE WORKPLACE**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655

**CFR Citation:** 29 CFR Not yet determined

**Legal Deadline:** None

**Abstract:** Health complaints related to indoor air quality (IAQ) have increased significantly following energy conservation measures instituted in the early seventies. Such measures have generally reduced the infiltration of outside air, allowing the build-up of indoor air contaminants. Adverse health effects associated with indoor air contaminants are classified as: (1) sick building syndrome which is characterized by general complaints that may include headaches, fatigue, nausea, mucous membrane (eye, nose, and throat) irritation, coughs, and muscle pain; and (2) building-related

illness which describes those specific medical conditions of known etiology which can often be documented by physical signs and laboratory findings. These include respiratory allergies and Legionnaires' disease. A particular concern with matters dealing with indoor air quality is exposure to passive tobacco smoke (PTS). A wide range of health effects caused by passive exposure to tobacco smoke have been reported by the Surgeon General, the National Research Council, the Environmental Protection Agency (EPA), and private researchers, as well as by citizens reporting (cont)

**Timetable:**

Action	Date	FR Cite
Request for Information	09/20/91	56 FR 47892
Comment Period End	01/21/92	56 FR 47892
Next Action to be Determined	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT (CONT): health effects due to exposure to passive smoke while at work. These effects range from acute annoyance and eye and respiratory tract irritation to the development of chronic pulmonary disease, cardiovascular disease, and lung cancer. OSHA received two petitions for an Emergency Temporary Standard (ETS) in May 1987. Both requested an ETS to prohibit smoking in all indoor workplaces except certain specified areas. OSHA determined that available data did not demonstrate the existence of a "grave danger," due to workplace exposure to passive tobacco smoke, as defined in Section 6(c) of the OSH Act. OSHA, therefore, denied the petitions on September 1, 1989. In response to the OSHA denial, a suit was filed by the Action on Smoking and Health (ASH) in the United States Court of Appeals for the District of Columbia D.C. Circuit for a review of the Agency's decision and for an order pursuant to 5 USC, Section 706 setting aside the denial. The Court upheld OSHA's decision not to issue an ETS in an unpublished decision issued on May 10, 1991. OSHA published a request for information on Indoor Air Quality September 20, 1991 (56 FR 47892). Comment period was extended to March 20, 1992.

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, 202 219-7075

**RIN:** 1218-AB37

**2023. CRANE SAFETY**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b); 40 USC 333; 33 USC 941

**CFR Citation:** 29 CFR 1926.550; 29 CFR 1926.552; 29 CFR 1926.553; 29 CFR 1926.554; 29 CFR 1926.556; 29 CFR 1910.67; 29 CFR 1910.179; 29 CFR 1910.180; 29 CFR 1919.181

**Legal Deadline:** None

**Abstract:** The present crane regulations for construction and general industry have not been revised since being promulgated in 1971. They rely heavily on outdated 1968 ANSI standards. OSHA has received comments that the existing provisions are inadequate and need revision to reflect current conditions and equipment. It has also been suggested that there is need to establish additional crane installation and use provisions, including possible certification programs for crane operators and riggers. OSHA anticipates that this project will come about in several phases due to the magnitude of the project.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Roger A. Clark, Director, Directorate of Safety Standards Program, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AB38

**2024. ● SAFETY AND HEALTH MANAGEMENT PROGRAM**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655

**CFR Citation:** Not yet determined



DOL—OSHA

Prerule Stage

**Legal Deadline:** None

**Abstract:** Current OSHA regulations address specific safety and health hazards or specific safety and health conditions. While this approach offers discrete instruction to employers about how to protect workers from specific exposures, the cumulative impact of these regulations often is perceived by the regulated public as resulting in duplicative, and sometimes contradictory requirements. The most obvious burden is created by the more than 200 separate standards requiring employee training on safety and health issues. The agency needs to identify methods to simplify and ease this regulatory burden without reducing the protections afforded employees. The

agency believes, with almost unanimous public commentor support, the most effective way to accomplish this goal is to explore a generic training requirement in the broader context of a comprehensive workplace safety and health management program. The agency already published Voluntary Safety and Health Program Management Guidelines on January 26, 1989 (FR Vol. 54, NO. 16 Pages 3902 to 3916).

**Timetable:**

Action	Date	FR Cite
Completion of Review of Current Training Requirements	08/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Ruth Knight, Director, Office of Program Evaluation, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3641, FP Building, Washington, DC 20210, 202 219-8055

RIN: 1218-AB41

**DEPARTMENT OF LABOR (DOL)**

Proposed Rule Stage

**Occupational Safety and Health Administration (OSHA)****2025. 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 has reviewed the current standards and intends to propose revisions. In developing this proposal, OSHA has been working closely with the National Institute of Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA).

**Timetable:**

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
Public Comment Period on Preproposal Draft Ends	11/29/85	
NPRM	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

RIN: 1218-AA05

**2026. 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 Longshore 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 of cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because much of the current standard is out of date, there are problems with compliance. These revised requirements will provide both employers and

employees with a blueprint for effective and safe work practices in the cargo handling industry. No alternative other than revision is contemplated. The annual cost of the revision is expected to be minimal -- less than five million dollars.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/93	

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Sectors Affected:** 44 Water Transportation

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605 FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA56

**2027. 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:** This action will consolidate, clarify, and revise the existing



provisions governing steel erection assembly, flooring, bolting, riveting, fitting-up, plumbing-up, and fall protection. When completed, the revised fall protection requirements may be relocated and be incorporated into Subpart M (of Part 1926) which is the general fall protection standard.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA65

**2028. WELDING, CUTTING AND BRAZING (PART 1910 AND PART 1926)**

**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; 29 CFR 1926.350; 29 CFR 1926.351; 29 CFR 1926.352; 29 CFR 1926.354

**Legal Deadline:** None

**Abstract:** OSHA proposes to revise and update its existing Part 1910 and Part 1926 subparts 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 these subparts since their adoption in 1971. A complete and comprehensive revision is needed at this time to bring the standards into line with the current state-of-the-art and updated consensus standards. In developing its proposed revision for welding provisions in Part 1910 (General Industry), OSHA has determined that a similar revision to the Part 1926 (Construction Industry) welding provisions are warranted.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Sectors Affected:** Multiple

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3605, FP Bldg., Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA72

**2029. 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 or 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 published an Advance Notice of Proposed rulemaking (ANPRM) on April 2, 1987, (52 FR 10586). OSHA will use the information received in response to the ANPRM, as well as other information and analysis, to prepare a proposed standard.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
ANPRM Comment Period End	07/31/87	
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

**RIN:** 1218-AA84

**2030. ● HAZARDOUS MATERIALS (PART 1910)**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b)

**CFR Citation:** 29 CFR 1910, subpart H

**Legal Deadline:** Final, Statutory, November 15, 1991.

**Abstract:** Standards in 29 CFR Part 1910, Subpart H, which address the storage, handling and use of hazardous materials, such as compressed gases, acetylene, hydrogen, oxygen, liquified petroleum gases, and flammable and combustible liquids, will be revised. This regulatory action will provide a new approach to the revision of Subpart H and will occur in four phases in an expanded timeframe. The four phases will be (1) Process Safety Management, (2) Flammable and Compressed Gases, (3) Hazardous Liquids, and (4) Explosives. The first phase of the proposed action is intended to better protect employees from unexpected releases of significant quantities of dangerous substances, and this phase has been completed. The remaining phases are intended to simplify, clarify and consolidate standards on hazardous materials and assist employers and employees in general industry to better understand and better focus on the hazards inherent in the use, handling, and storage of such materials.

**Timetable:**

Action	Date	FR Cite
Phase I Completed	02/24/92	57 FR 6356
Administrative Stay of Selected Provisions and Request for Comments	06/01/92	57 FR 23060
Effective Date of Stayed Provisions	08/27/92	57 FR 38600

Next Action Undetermined

**Small Entities Affected:** None



## DOL—OSHA

## Proposed Rule Stage

**Government Levels Affected:** None

**Additional Information:** This action includes three previous actions: (a) Hazardous Materials--Flammable and Compressed Gases (Part 1910); (b) Hazardous Materials--Flammable and Combustible Liquids (Part 1910); and (c) Process Safety Management of Highly Hazardous Chemicals (completed), and adds a new action, "Explosives: as the fourth phase of this regulatory action.

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AB20

**2031. SHIPYARD EMPLOYMENT: PHASE II (PART 1915)**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b); 33 USC 941

**CFR Citation:** 29 CFR 1915.1 et seq; 29 CFR 1915.31 et seq; 29 CFR 1915.91 et seq; 29 CFR 1915.111 et seq; 29 CFR 1915.131 et seq; 29 CFR 1915.161 et seq; 29 CFR 1915.171 et seq; 29 CFR 1915.181; 29 CFR 1910.13 et seq; 29 CFR 1910.14; 29 CFR 1910.15; 29 CFR 1910.95; 29 CFR 1910.96; 29 CFR 1910.97; 29 CFR 1910.141; ...

**Legal Deadline:** None

**Abstract:** This regulatory action will complete the consolidation and updating of Parts 1915 and 1910 by providing shipyard employees with coverage under one comprehensive OSHA standard. This revision effort will involve the promulgation of 20 maritime subparts. Its completion will be done in stages and will relieve shipyard owners from the burden of having comply with two sets of rules that are complex, prescriptive, confusing and, in some cases, conflicting. OSHA has established an Advisory Committee to assist the Agency is reviewing and revising these subparts. Experts from government, industry, unions and the states are working with OSHA on this project. A previously identified project, Surface Preparation and Preservation (RIN: 1218-AA96), will be included in this project.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Bldg., Washington, DC 20210, 202 219-8061

**RIN:** 1218-AB22

**2032. RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 657; 29 USC 673

**CFR Citation:** 29 CFR 1904.1

**Legal Deadline:** None

**Abstract:** Concerns about the reliability and utility of injury and illness data have been raised by Congress, OSHA, NIOSH, BLS, the National Academy of Sciences, OMB, the General Accounting Office and representatives of business and labor. The revision of the regulations, forms, and associated interpretive material are being undertaken to simplify the injury and illness recordkeeping system. OSHA is currently working on this project and has not collected sufficient information to determine the effect on paperwork burden. Benefits will include: (1) A system that is easier for employers, employees and government personnel to use; (2) increased reliability and utility of the records; (3) comprehensive records of the injury and illness experience at a given site will be available; and (4) employee involvement and awareness in safety and health matters will be enhanced.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Sectors Affected:** All

**Analysis:** Regulatory Impact Analysis

**Agency Contact:** Stephen A. Newell, Acting Director, Office of Statistics, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3507, FP Building, Washington, DC 20210, 202 219-1463

**RIN:** 1218-AB24

**2033. PEL UPDATE PROPOSAL FOR CONSTRUCTION, AGRICULTURE, AND MARITIME**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655; 29 USC 657

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** The permissible exposure limits (PELs) promulgated by OSHA in 1971 do not reflect current knowledge of the health effects of many toxic substances. OSHA published a proposal on June 7, 1988 (53 FR 20960) to amend and expand the PELs for general industry. On January 19, 1989 OSHA set new PELs for the toxic substances originally covered in 1971 and covered new substances in a single rulemaking that applied to general industry. OSHA now plans to update the old PELs for construction, maritime, and possible agricultural sectors not covered by the general industry proceeding. The PELs for these sectors are outdated: the construction industry (29 CFR 1926) references the 1970 ACGIH TLVs; the maritime industry cites three different references--29 CFR 1918 (longshoring), "dangerous gaseous contaminants not immediately dangerous to life" and "heavy concentrations of dusts." In addition, in the agricultural section, OSHA will consider the fact that chemicals and pesticides are currently regulated by EPA. As a result of this rulemaking, OSHA expects that a unified table of PELs for toxic substances will be adopted for all industries. On June 12, 1992 (57 FR 26001), (CONT)

**Timetable:**

Action	Date	FR Cite
NPRM	06/12/92	57 FR 26001
NPRM Comment	09/25/92	
Period End		

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined



## DOL—OSHA

## Proposed Rule Stage

**Additional Information: ABSTRACT (CONT):** OSHA published a proposed rule that would provide more protective PELs on hundreds of toxic airborne substances for workers in construction, agriculture, and maritime. OSHA will be publishing a Federal Register notice delaying hearings and extending comment period nine months.

**Agency Contact:** Charles Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, 202 219-7075

**RIN:** 1218-AB26

#### 2034. CONTROL OF HAZARDOUS ENERGY (LOCKOUT/TAGOUT)—CONSTRUCTION (PART 1926)

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b)

**CFR Citation:** 29 CFR 1910; 29 CFR 1926

**Legal Deadline:** None

**Abstract:** Hazards at construction sites resulting from the absence of effective lockout/tagout procedures to control hazardous energy appear to be caused by several factors, all associated with the nature of the construction industry. These factors basically relate to such considerations as the types of machines and equipment found in construction; the makeup of the industry in which employment is relatively "short term," lasting only as long as the length of the current project; the presence of multiple employers having different employer/employee relationships and the temporary nature of the "in-the-field" maintenance activity. The Occupational Safety and Health Administration (OSHA) expects the proposal to address lockout-related hazards in those construction work-site areas in which the available data indicate these hazards to be significant. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources. OSHA will consider the use of the construction advisory committee to assist in the development of this standard.

#### Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AB30

#### 2035. POWERED INDUSTRIAL TRUCK OPERATOR TRAINING

**Legal Authority:** 29 USC 655(b)

**CFR Citation:** 29 CFR 1910.178

**Legal Deadline:** None

**Abstract:** Nationally, fatalities due to unsafe operation of industrial vehicles and equipment account for approximately 12 percent of the private sector fatalities. This is the second leading cause of fatalities in the private sector, behind only highway vehicle fatalities. The present standard has proven to be ineffective in reducing the number of accidents involving powered industrial trucks. OSHA intends to revise the present standard to increase its effectiveness by requiring, in performance language, initial and refresher training as necessary. The frequency of the refresher training will be based upon the ability of the vehicle operator to retain the knowledge, skills and abilities to perform the job safely. OSHA will also give guidance as to what information the instruction should include. There will also be other amendments to the standard to increase its effectiveness.

#### Timetable:

Action	Date	FR Cite

**Next Action:** Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605,

FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AB33

#### 2036. LEAD IN CONSTRUCTION

**Significance:** Regulatory Program

**Legal Authority:** Not yet determined

**CFR Citation:** 29 CFR 1926

**Legal Deadline:** None

**Abstract:** On November 14, 1978 (43 FR 52952), OSHA promulgated a standard that limited occupational exposures to lead. The standard also contained requirements for exposure monitoring, protective equipment, housekeeping and hygiene practices, medical surveillance, medical removal protection, posted areas and education and training. However, the scope of the standard did not include the construction industry. Lead exposures in the construction industry continued to be regulated by the air contaminants standard for construction (29 CFR 1926.55) which has no protective ancillary provisions such as those contained in the general industry standard. This standard adopted the 1970 American Conference for Governmental Industrial Hygienists (ACGIH) Threshold Limit Value (200 ug/m<sup>3</sup>) which is four times the current standard for general industry. OSHA recognized that this level represents a potential for material impairment of health and is in the process of developing a proposal.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, 202 219-7075

**RIN:** 1218-AB34

#### 2037. ● DOCUMENTATION OF ABATEMENT

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 657; 29 USC 658; 29 USC 659

**CFR Citation:** 29 CFR 1903



## DOL—OSHA

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** A critical element of OSHA's comprehensive enforcement strategy under the Occupational Safety and Health act is assurance that employers have abated hazards cited during inspections. Currently, unless an employer voluntarily complies with OSHA's request to submit documentation, OSHA has no proof of hazard abatement without conducting a followup inspection. From 1972 to the present, OSHA has implemented several administrative measures to induce employers to provide abatement documentation, but some 30 percent of cited employers still do not voluntarily

do so. OSHA's internal audits, the Department of Labor's Inspector General, and the General Accounting Office have pointed out this deficiency. The regulation OSHA now proposes will require cited employers to provide hazard abatement documentation. The NPRM will address the kinds of evidence to be required, what notice to employees is needed, potential penalties for non-reporting, possible certification forms for compliance, and other questions. Work on this project has not progressed to the point where costs and benefits of possible regulatory approaches can be determined.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Raymond E. Donnelly, Director, General Industry Compliance Assistance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3119, FP Building, Washington, DC 20210, 202 219-8041

**RIN:** 1218-AB40

## DEPARTMENT OF LABOR (DOL)

## Final Rule Stage

## Occupational Safety and Health Administration (OSHA)

## 2038. 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. OSHA published a proposal on June 5, 1989 (54 FR 23991). Hearings were held on May 30-31, 1990, and continued on July 9-10, 1990.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM	06/22/83	
Comment		
Period End		
NPRM	06/05/89	54 FR 23991
NPRM Comment	10/03/89	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** Post-hearing comments were due by October 9, 1990, and responses to post-hearing comments were due by December 10, 1990. In response to oral petitions from participants, the post-hearing comment period was extended to January 14, 1991. OSHA will use the information received in response to the proposal to develop a final rule.

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FP Bldg, 200 Constitution Ave. NW., Washington, DC 20210, 202 219-7075

**RIN:** 1218-AA28

## 2039. 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); 29 CFR 1926.250(b)(2); 29 CFR 1926.651(t); 29 CFR 1926.951(b)(4)(i); 29 CFR 1926.107(c); 29 CFR 1926.107(f); 29 CFR 1926.851(w)

**Legal Deadline:** None

**Abstract:** The existing standard has been 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
NPRM Comment	08/14/87	52 FR 20616
Period End		
Reopening of Rulemaking Record	08/05/92	57 FR 34656
Comment		
Period Ends	11/3/92	
Final Action	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None



DOL—OSHA

Final Rule Stage

**Additional Information:** This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FP Bldg, 200 Constitution Ave. NW., Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA37

#### 2040. 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 has been 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	08/14/87	52 FR 20616
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA40

#### 2041. 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	04/10/90	55 FR 13423
NPRM Comment Period End	08/22/90	55 FR 13423
Hearing	09/11/90	55 FR 29224
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** 1218-AA48 will be issued concurrently with 1218-AB04.

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA48

#### 2042. 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	06/05/89	54 FR 24080
NPRM Comment Period End	10/04/89	54 FR 30557
Final Action	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Impact Analysis

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA51

#### 2043. LOGGING OPERATIONS (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	05/02/89	54 FR 18798
NPRM Comment Period End	07/31/89	



## DOL—OSHA

## Final Rule Stage

Action	Date	FR Cite
Public Hearing	05/11/90	55 FR 19745
07/24/90		
Final Action	02/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Sectors Affected:** 24 Lumber and Wood Products, Except Furniture

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA52

#### 2044. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION (PART 1910)

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b)

**CFR Citation:** 29 CFR 1910.137; 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 qualified employees working on or near installations whose purpose is the generation and distribution of electricity. The proposal also revises the standards for electrical protective equipment, which is used routinely for electrical power work.

#### Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4974
NPRM Comment	06/01/89	
Period End		
Public Hearing	09/03/89	54 FR 31970
Scheduled for	11/28/89	
Reopening of the	11/09/90	55 FR 47074
Record and		
Request for		
Public		
Comment		
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** Multiple

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA59

#### 2045. FALL PROTECTION IN SHIPYARDS (PART 1915)

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b); 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 part 1910 provisions into 29 CFR part 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	11/29/88	53 FR 48166
NPRM Comment	02/27/89	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Applicable part 1910 provisions under consideration: 29 CFR 1910.21-1910.23.

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA66

#### 2046. SCAFFOLDS IN SHIPYARDS (PART 1915)

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b); 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 part 1910 provisions into 29 CFR part 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	11/29/88	53 FR 48182
NPRM Comment	02/27/89	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Applicable part 1910 provisions under consideration: 29 CFR 1910.28 - 1910.29.

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA68

#### 2047. ACCESS AND EGRESS IN SHIPYARDS (PART 1915)

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b); 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 part 1910 provisions into 29 CFR part 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	11/29/88	53 FR 48130
NPRM Comment	02/27/89	
Period End		



Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Applicable part 1910 provisions under consideration: 29 CFR 1910.24-1910.27; 29 CFR 1910.36-1910.37.

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA70

**2048. 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 types of 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	08/16/89	54 FR 33832
NPRM Comment Period End	10/16/89	
Public Hearing Held April 3, 1990	02/01/90	55 FR 3412
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605 FP

Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA71

**2049. WELDING, CUTTING AND HEATING IN SHIPYARDS (PART 1915)**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b); 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 part 1915 standards and applicable 29 CFR part 1910 standards into one set of provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48111
NPRM Comment Period End	02/27/89	
Final Action	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Applicable part 1910 provisions under consideration: 29 CFR 1910.251-1910.252.

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA73

**2050. PERSONAL PROTECTIVE EQUIPMENT IN SHIPYARDS (PART 1915)**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b); 33 USC 941

**CFR Citation:** 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154; 29 CFR 1915.155; 29 CFR

1915.156; 29 CFR 1915.157; 29 CFR 1915.158; 29 CFR 1915.159

**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 part 1915 standards and applicable 29 CFR part 1910 standards into one set of provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48150
NPRM Comment Period End	02/27/89	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Applicable part 1910 provisions under consideration: 29 CFR 1910.132-1910.137.

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3605, FP Bldg., Washington, DC 20210, 202 219-8061

**RIN:** 1218-AA74

**2051. 1,3-BUTADIENE**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b)

**CFR Citation:** 29 CFR 1910.1000 (Table Z-1); 29 CFR 1910.1051

**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. On October 1, 1986 (51 FR 35003), OSHA published an ANPRM initiating regulatory action within the meaning of section 9(a) of TSCA. Comments were submitted to OSHA by



## DOL-OSHA

## Final Rule Stage

December 30, 1986. Based on the comments received in response to the ANPRM OSHA developed a proposal which was published on August 10, 1990. Hearings were held in Washington, D.C. on January 15, 1991, and in New Orleans, Louisiana on February 20, 1991. Submission of the post-hearing comments and briefs were scheduled to end on June 22, and July 22, 1991 respectively; however, OSHA extended the dates to September 27, and October 28, 1991. The post-hearing comments and briefs were again extended and finally closed on (CONT)

**Timetable:**

Action	Date	FR Cite
EPA Referral	10/10/85	50 FR 41393
Request for Comments	12/27/85	50 FR 52952
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	08/10/90	55 FR 32736
NPRM Comment Period End	10/19/90	55 FR 32736
Final Action	12/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT (CONT): November 26, 1991 and February 10, 1992, respectively.

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

**RIN:** 1218-AA83

### 2052. EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES (PART 1915)

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655(b); 33 USC 941

**CFR Citation:** 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.

**Timetable:**

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48092
NPRM Comment Period End	02/27/89	
NPRM Comment Period Reopened Until	06/24/92	57 FR 28152
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Sectors Affected:** 373 Ship and Boat Building and Repairing

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8063

**RIN:** 1218-AA91

### 2053. 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 had been granted, in part, and denied, in part. Specifically, OSHA issued a set of guidelines for controlling occupational exposure to DCM and OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard. OSHA published an Advance Notice of Proposed

Rulemaking on November 24, 1986 (51 FR 42257). After reviewing and analyzing the comments received in response to the ANPRM, OSHA published a proposal in the Federal Register on November 7, 1991 (56 FR 57036). The comment period closed on April 6, 1992. On June 9, 1992, OSHA published a notice of informal public hearings to be held in Washington, DC on (CONT)

**Timetable:**

Action	Date	FR Cite
ANPRM	11/24/86	51 FR 42257
ANPRM Comment Period End	02/23/87	51 FR 42257
NPRM	11/07/91	56 FR 57036
NPRM Comment Period End	04/06/92	
Final Action	09/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT (CONT): September 16, 1992 and in San Francisco, CA on October 14, 1992. The notice also reopened the comment period until August 24, 1992.

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

**RIN:** 1218-AA98

### 2054. HAZARD COMMUNICATION

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 653; 29 USC 655; 29 USC 657; 33 USC 941; 40 USC 333; 5 USC 553

**CFR Citation:** 29 CFR 1910.1200; 29 CFR 1915.99; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21

**Legal Deadline:** None

**Abstract:** OSHA promulgated a final rule on August 24, 1987, that extended the protections of its Hazard Communication Standard (HCS) from the manufacturing sector to all other workplaces where employees are exposed to hazardous chemicals. The HCS requires covered employers to establish hazard communication programs for their employees, including labels on containers, material safety data sheets, and training programs. On



## DOL—OSHA

## Final Rule Stage

August 8, 1988, OSHA published a NPRM to modify the final rule, and provide an opportunity for public comment. Public comments have been received, hearings have been held, and OSHA will prepare a final rule based on the public record for this standard, including the record developed in earlier rulemakings. OSHA published a request for information (RFI) on May 17, 1990, (55 FR 20580) to improve the quality and representation of the information provided on the MSDS's and labels and to consider a standardize format. OSHA will determine if the rule should be reopened after the comments and other relevant information are analyzed. The comment period for the RFI expired on August 15, 1990.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48794
ANPRM Comment Period End	02/25/86	
NPRM	08/08/88	53 FR 29822
NPRM Comment Period End	10/28/88	
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

**RIN:** 1218-AB02

**2055. WALKING AND WORKING SURFACES (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; 29 CFR 1910.31; 29 CFR 1910.32

**Legal Deadline:** None

**Abstract:** Existing standards for walking and 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	04/10/90	55 FR 13360
NPRM Comment Period End	08/22/90	55 FR 13360
Hearing	09/11/90	55 FR 29224
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** 1218-AB04 will be issued concurrently with 1218-AA48.

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Bldg., Washington, DC 20210, 202 219-8061

**RIN:** 1218-AB04

**2056. ASBESTOS (REMAND)**

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655 et seq

**CFR Citation:** 29 CFR 1910.1001; 29 CFR 1926.58

**Legal Deadline:** None

**Abstract:** On June 20, 1986, OSHA published revised standards governing occupational exposure to asbestos, tremolite, anthophyllite and actinolite in general industry and construction. In these standards, OSHA reduced the 8-hour time weighted average (TWA) permissible exposure limit (PEL) to 0.2 f/cc, and established other protective provisions. This standard was legally challenged, and as a result, the Court of Appeals for the District of Columbia upheld the standard except that the court held that OSHA must reconsider several of the standard's provisions to determine if more protective regulatory provisions are available to reduce risk. One of the issues to be reconsidered was the need for a short-term limit for occupational exposure to asbestos in response to the Court's directive. This limit was established as 1 f/cc averaged over a 30-minute sampling period and a legal notification of this amendment was published on September 14, 1988, at 53 FR 35610. (cont)

**Timetable:**

Action	Date	FR Cite
Asbestos Remand - Category I Issues	12/20/89	54 FR 52024
Asbestos Remand - Category II Effective Date	02/05/90	55 FR 3724
Asbestos Remand - Category II Issues	02/05/90	55 FR 3724
Asbestos Remand - Category III	07/20/90	55 FR 29712
Hearing	10/23/90	55 FR 29712
Hearing	11/09/90	55 FR 40676
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT CONT: On December 20, 1989 (54 FR 52024) OSHA responded to the first three remand issues. OSHA deleted the ban on spraying asbestos containing materials; amended the regulatory text to clarify when construction employers must resume periodic monitoring; and explained why OSHA is not amending the regulatory text to clarify the limited exemption for "small-scale, short-duration operations" in the construction industry standard. OSHA published a notice of its resolution of Category II remand issues on February 5, 1990, and a notice of proposed rulemaking for Category III on July 20, 1990 (55 FR 29712). On September 20, 1990, the comment period was extended to December 3, 1990, and the public hearing was rescheduled to commence on January 23, 1991. The post-hearing comment period closed on April 26, 1991, and the briefing period was extended to July 24, 1991.

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Bldg., Washington, DC 20210, 202 219-7075

**RIN:** 1218-AB25



## DOL—OSHA

## Final Rule Stage

**2057. ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)****Significance:** Regulatory Program**Legal Authority:** 29 USC 655(b); PL 101-549 (November 15, 1990); 5 USC 552(a); 5 USC 533**CFR Citation:** 29 CFR 1910.121, subpart H**Legal Deadline:** None

**Abstract:** Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Waste Operations and Emergency Response. The final standard was issued on March 6, 1989. Section 126 of Public Law 99-499 was amended by Congress on December 22, 1987 to require the Secretary of Labor to include in the final rule a training course certification program at least as comprehensive as the EPA's model program for asbestos abatement in public buildings. This proposed revision would add criteria and requirements for training course certification of training for workers involved in hazardous waste operations. Separately, OSHA has collected additional information on this rulemaking during the second half of CY 1991 on the characteristics of selected training programs for emergency response personnel for hazardous materials incidents. Accordingly, the Agency will be submitting this report to the public record in early 1992, and will be granting the public an opportunity to review and comment on the report and survey results. OSHA is presently reviewing comments submitted in response to a partial reopening of the record for this rulemaking. The notice was published (CONT)

**Timetable:**

Action	Date	FR Cite
NPRM	01/26/90	55 FR 2776
NPRM Comment Period End	04/26/90	55 FR 2776
Final Action	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Local, State, Federal**Additional Information:** ABSTRACT

(CONT): February 10, 1992, and the comment period closed May 26, 1992. The reopening of the record allowed public comment on a study, "Survey of Emergency Response Programs" conducted by OSHA to evaluate the

effectiveness of current emergency response training programs.

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Bldg, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AB27**2058. OCCUPANT PROTECTION IN MOTOR VEHICLES****Significance:** Regulatory Program**Legal Authority:** 29 USC 655(b)**CFR Citation:** 29 CFR 1910.140; 29 CFR 1915.99; 29 CFR 1915.100; 29 CFR 1917.44; 29 CFR 1918.73; 29 CFR 1926.33; 29 CFR 1928.58**Legal Deadline:** None

**Abstract:** OSHA currently has no general regulation requiring that employers train their employees in the safe operation of motor vehicles on the job, including the required use of seat belts, although motor vehicle crashes are the single largest cause of occupational fatalities. On-the-job motor vehicle crashes, in both on-road and off-road vehicles, caused over 30 percent of traumatic work-related fatalities. In the manufacturing sector, which is the primary target of most OSHA regulations, more workers are killed by motor vehicles than by fixed machinery. The hazards faced by workers operating automobiles and trucks, both on public highways and at private facilities, could be greatly reduced by requiring employers to train their employees in safe driving techniques, including the required use of seat belts. OSHA plans to proceed with a single NPRM that would regulate all employers covered by the OSHA Act. The approach will be to develop a generic, performance-oriented standard. Various state regulations governing the use of seat belts, and related studies will be considered in this proposal. OSHA expects that the regulation could prevent as many as 684 fatalities each year.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/90	55 FR 28728
NPRM Comment Period End	11/09/90	55 FR 28728
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Roger A. Clark, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

**RIN:** 1218-AB28**2059. REPORTING OF FATALITY OR MULTIPLE HOSPITALIZATIONS****Significance:** Regulatory Program**Legal Authority:** 29 USC 657; 29 USC 673**CFR Citation:** 29 CFR 1904.8**Legal Deadline:** None

**Abstract:** Concerns have been raised by Congress, OMB, OSHA, NIOSH, BLS, the National Academy of Sciences, GAO and representatives of business and labor about the reporting of fatalities and multiple hospitalizations. These include the procedures employers are required to follow, the length of time employers have to report the fatalities to OSHA, and the number of hospitalizations required before the employer must report the incident to OSHA. In particular, 48 hour reporting may allow too many workplace factors to change before OSHA can reach the worksite to perform an adequate investigation of the incident. In addition, there are concerns that the current regulation may not adequately inform employers of the need to report all occupational fatalities, including those that occur extended periods of time after the employee was originally injured. Benefits will include more accurate employer reporting of fatalities and multiple hospitalizations, an improved ability for OSHA to respond to serious accidents while evidence is still "fresh", an improved count of fatalities and multiple hospitalizations and an upgraded data base for researchers and policy officials.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/92	57 FR 21222
NPRM Comment Period End	08/17/92	
Final Action	03/00/93	



DOL—OSHA

Final Rule Stage

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations  
**Government Levels Affected:** Local, State

**Agency Contact:** Stephen A. Newell, Acting Director, Office of Statistics, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3507,

FP Building, Washington, DC 20210, 202 423-1463  
**RIN:** 1218-AB35

DEPARTMENT OF LABOR (DOL)  
 Occupational Safety and Health Administration (OSHA)

Completed Actions

2060. 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:** On June 20, 1986, OSHA issued revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite in general industry and in the construction industry. These standards replaced OSHA's previous asbestos standard promulgated in 1972. Since the issuance of the revised standards, OSHA received letters and petitions concerning the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite as presenting the same health risk as asbestos. OSHA granted a temporary stay of the effective dates of the current standards as they apply to nonasbestiform varieties of tremolite, anthophyllite and actinolite. This action was taken, in part, to enable the Agency to review letters and memoranda from the National Institute for Occupational Safety and Health as well as submissions by the R. T. Vanderbilt Company and various other trade associations concerning the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite in the revised standards. In addition, the temporary stay was imposed to allow sufficient time for OSHA to reopen the rulemaking record and conduct supplemental proceedings (CONT)

**Timetable:**

Action	Date	FR Cite
Notice of Partial Admin. Stay	10/17/86	51 FR 37002
Extension of Partial Admin. Stay	04/30/87	52 FR 15722

Action	Date	FR Cite
Extension of Partial Admin. Stay	07/20/88	53 FR 27345
NPRM	02/12/90	55 FR 4938
NPRM Comment Period End	04/09/90	55 FR 4938
Extension of Partial Admin. Stay	09/04/91	56 FR 43699
Final Action Effective	05/29/92	
Final Action	06/08/92	57 FR 24310

**Small Entities Affected:** Businesses  
**Government Levels Affected:** None  
**Additional Information:** ABSTRACT CONT: on the issue of whether, and how, to regulate occupational exposure to the nonasbestiform varieties of tremolite, anthophyllite and actinolite. On February 12, 1990 (55 FR 4938), OSHA published a proposal to gather additional information and data to determine whether and how to regulate the nonasbestiform varieties. Hearings were held May 8-14, 1990, and the comment period closed on June 28, 1990. After the close of the post-hearing comment periods, the American Thoracic Society (ATS) submitted a final report on "The Health Effects of Tremolite." The agency set an additional comment period, later extended to December 14, 1990, to enable the public to submit written comments and analyses on the issues raised in the ATS report. On September 4, 1991, OSHA extended the partial stay until February 28, 1992. On March 5, 1992 (57 FR 7877), the stay was extended until May 30, 1992. On June 8, 1992 (57 FR 24310), OSHA published its final standard which excludes nonasbestiform tremolite, anthophyllite, and actinolite from coverage under its Asbestos standard.

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718,

FP Bldg., Washington, DC 20210, 202 219-7075  
**RIN:** 1218-AA26

2061. 4,4'-METHYLENEDIANILINE

**Significance:** Regulatory Program  
**Legal Authority:** 29 USC 655(b); 29 USC 657  
**CFR Citation:** 29 CFR 1910; 29 CFR 1925.60  
**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 evaluated the data received in response to the advance notice and 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. OSHA responded to the EPA referral on 2/26/86. OSHA established a mediated rulemaking advisory committee composed of interested parties from labor, industry and government to assist the agency in developing a proposed standard. The Committee completed its work in June 1987 (cont)

**Timetable:**

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	48 FR 42836



## DOL—OSHA

## Completed Actions

Action	Date	FR Cite
Publication of Committee Recommendation	07/16/87	52 FR 26776
NPRM	05/12/89	54 FR 20672
NPRM Comment Period End	05/16/89	
Final Action	08/10/92	57 FR 35630
Final Action Effective	09/09/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: and forwarded its recommendations to the Agency. OSHA published the Committee's recommendations on July 16, 1987, and published a proposed standard for MDA on May 12, 1989. Hearings were conducted on March 20-21, 1990. The comment period for the first set of post hearing comments closed on May 8, 1990. The second closing date was May 23, 1990. The final MDA standard was published in the Federal Register on August 10, 1992.

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

**RIN:** 1218-AA58

## 2062. FORMALDEHYDE

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655 et seq

**CFR Citation:** 29 CFR 1910.1048

**Legal Deadline:** None

**Abstract:** On December 4, 1987, the Occupational Safety and Health Administration (OSHA) published a revised standard for occupational exposure to formaldehyde (29 CFR 1910.1048). This standard contained permissible exposure limits of 1 part weighted average (TWA) and 2 ppm as a 15-minute short-term exposure limit (STEL), along with ancillary protective provisions. Several interested parties petitioned the courts to review this standard. On June 9, 1989, the U.S. Court of Appeals for the District of Columbia Circuit issued its decision, which upheld the standard, but remanded the standard back to the Agency for reconsideration of two

issues: the assessment of the risk of cancer at 1 ppm, and the failure of the Agency to require medical removal protection (MRP). The final standard also required that hazard-warning labels be placed on containers of all products composed of greater than 0.1 percent formaldehyde or capable of releasing formaldehyde into the air under any normal condition of use at concentrations reaching or exceeding 0.1 ppm. (cont)

### Timetable:

Action	Date	FR Cite
NPRM	07/15/91	56 FR 32302
NPRM Comment Period End	08/14/91	56 FR 32302
Final Action	05/27/92	57 FR 22290
Final Action Effective	06/26/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** ABSTRACT CONT: The Formaldehyde Institute filed an application for administrative stay of the formaldehyde standard's cancer labeling requirement. Based on the confusion and misunderstanding of the standard's requirements reflected in the application and in numerous comments submitted to the Agency subsequent to the application, the Agency decided to stay the hazard communication provisions of the formaldehyde standard (29 CFR 1910.1048(m)(1)(i) through (m)(4)(ii)). The purpose of the stay is to permit the Agency to propose to revoke these paragraphs and rely on the provisions of the hazard communication standard or develop some appropriate alternative. The stay was first granted on December 13, 1988 (53 FR 50198). On June 13, 1990 (55 FR 24070), OSHA extended the administrative stay until August 13, 1990, to consider further developments in the hazard communication rulemaking in determining what regulatory action to propose on formaldehyde. Based on public comment and the rulemaking record, OSHA published a formaldehyde proposal on July 15, 1991. The comment period ended on August 14, 1991. The final standard was published on May 27, 1992 (57 FR 22290).

**Agency Contact:** Charles E. Adkins, Director, Health Standards Program, Department of Labor, Occupational

Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, 202 219-7075

**RIN:** 1218-AA82

## 2063. CADMIUM

**Significance:** Regulatory Program

**Legal Authority:** 29 USC 655 et seq

**CFR Citation:** 29 CFR 1910 (Table Z-2)

**Legal Deadline:** None

**Abstract:** On June 18, 1986, the International Chemical Workers Union and the Public Citizen Health Research Group petitioned OSHA to issue an emergency temporary standard reducing the permissible exposure limit for cadmium to one microgram of cadmium per cubic meter of air. On June 25, 1987 the union and HRG filed a petition with the Court of Appeals requesting the Court to order OSHA to promulgate an ETS. In its July 1, 1987, response to the petitioners, OSHA stated that issuance of an emergency standard was not warranted, but that exposure to cadmium at levels permitted under the current standard represented a significant risk to worker health which would be addressed through section 6(b) rulemaking procedures. On September 26, 1988, OSHA published guidelines for controlling exposure to cadmium and recommended reduced exposure levels significantly below the permissible exposure limit. OSHA published a proposal on February 6, 1990 (55 FR 4052), and conducted hearings on June 5, 1990, in Washington, DC and on July 17, 1990, in Denver, CO. The comment period closed on October 18, 1990. OSHA reopened the record on September 18, 1991, (Cont)

### Timetable:

Action	Date	FR Cite
Response to Petitioners	07/01/87	
NPRM	02/06/90	55 FR 4052
NPRM Comment Period End	04/27/90	
Reopening of Rulemaking Records	09/18/91	56 FR 47348
Comment Period End	11/04/91	56 FR 47348
Final Action	09/14/92	57 FR 42102
Final Action Effective	12/14/92	57 FR 42102

**Small Entities Affected:** Undetermined



**DOL—OSHA**

**Completed Actions**

**Government Levels Affected:**  
Undetermined

**Additional Information:** ABSTRACT CONT: to receive comments on the reports of two experiments--solubility and carcinogenicity of cadmium sulfide.

The record closed on November 4, 1991. On March 30, 1992, the court ordered OSHA to publish a final standard by the end of August 1992.

**Agency Contact:** Charles E. Adkins, Director, Health Standards Programs,

Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

**RIN:** 1218-AB16

**DEPARTMENT OF LABOR (DOL)**

**Prerule Stage**

**Office of the Assistant Secretary for Veterans' Employment & Training (ASVET)**

**2064. UNIFORMED SERVICES EMPLOYMENT RIGHTS**

**Significance:** Regulatory Program

**Legal Authority:** 38 USC 2021 to 2027

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** The Veterans' Reemployment Rights (VRR) law 38 USC, Sections 2012-2206 with subsequent amendments and judicial constructions has become a confusing and cumbersome doctrine. As a result, the Administration proposes to introduce legislation replacing the existing Veterans' Reemployment Rights statute. The proposed legislation requires the Secretary of Labor to issue regulations implementing and

interpreting the statute. The proposal will seek to: (1) make the law understandable (2) determine the veteran's entitlement and eligibility requirement on time rather than category of service, (3) promote expedited resolution of claims and (4) provide statutory processing timeframes. The costs and benefits are intangible and relate to the ability to maintain sufficient membership in the Armed Forces, and to ensure the availability of citizen-soldiers.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** If and when legislation is enacted.

**Agency Contact:** Hary P. Puente-Duany, Director, Veterans Employment and Training Service, Department of Labor, Office of the Assistant Secretary for Veterans' Employment & Training, 200 Constitution Avenue NW., Room S1316, FP Building, Washington, DC 20210, 202 219-9110

**RIN:** 1293-AA05

**DEPARTMENT OF LABOR (DOL)**

**Final Rule Stage**

**Office of the Assistant Secretary for Veterans' Employment & Training (ASVET)**

**2065. VETERANS' PROGRAMS AND SERVICES ADMINISTERED BY THE OFFICE OF THE ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING**

**Significance:** Regulatory Program

**Legal Authority:** 38 USC ch 41; 38 USC ch 42; PL 100-323; 10 USC 1145 (PL 101-510); 29 USC 1721; 29 USC 49(k); PL 102-16

**CFR Citation:** 20 CFR ch IX

**Legal Deadline:** None

**Abstract:** To revise new chapter IX of title 20, CFR, titled Office of the Assistant Secretary for Veterans' Employment and Training, to fully describe the authority and responsibilities for provision of services to veterans through administration of programs and activities carried out through the Veterans' Employment and Training Service (VETS). Revisions are to bring regulations into conformity with 38 U.S.C. Chapter 41,42, and 43, as

amended by P.L. 100-323. Previous rulemaking will establish the new 20 CFR Chapter IX, Parts 1000-1099, which are hereby revised. According to PL 100-323, several major provisions must be added to the regulations as follows: a) expand responsibilities of Assistant Secretary for Veterans' Employment and Training; (b) establish position of Regional Administrator for Veterans' Employment and Training; (c) expand duties of Disabled Veterans' Outreach Program Specialists; (d) establish assignment formula and duties for local Veterans; employment Representatives; (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	02/07/91	56 FR 5124
NPRM Comment Period End	04/08/91	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Additional Information:** ABSTRACT CONT: (e) expand list of data items to be collected and reported to Congress annually; (f) set requirements for greater coordination with JTPA and OPM. Requires solution since statute requires the Department of Labor to monitor and/or administer affected programs.

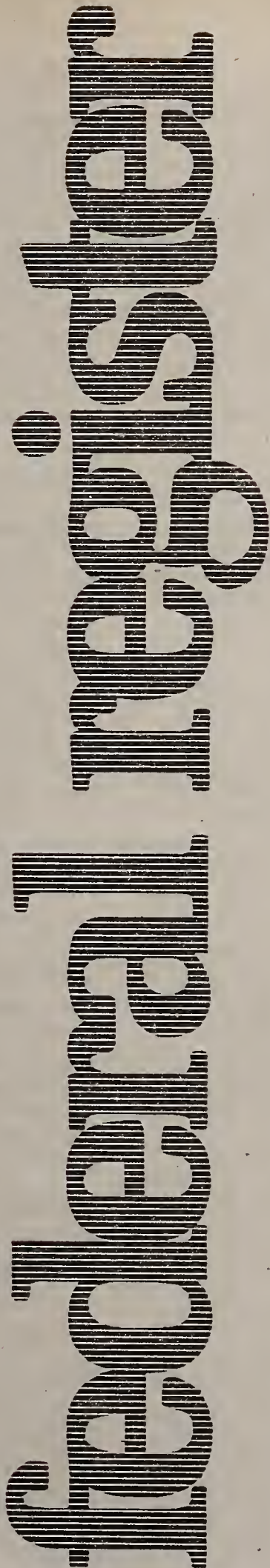
**Agency Contact:** Hary P. Puente-Duany, Director, Office of Veterans Employment, Reemployment and Training, Department of Labor, Office of the Assistant Secretary for Veterans' Employment & Training, 200 Constitution Avenue NW., Room S1316, FP Building, Washington, DC 20210, 202 219-9110

**RIN:** 1293-AA03

[FR Doc. 92-20757 Filed 11-02-92; 8:45 am]

BILLING CODE 4510-23-F





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**Tuesday  
November 3, 1992**

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**Part XIII**

**Department of State**

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**Semiannual Regulatory Agenda**



## DEPARTMENT OF STATE (STATE)

## DEPARTMENT OF STATE

## 22 CFR Ch. I

[Public Notice 1713]

## Unified Agenda of Federal Regulations

AGENCY: Department of State.

ACTION: Semiannual publication of regulatory agenda.

**SUMMARY:** As required by Executive Order 12291 and the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), the October 1992 agenda of regulations of the Department of State is set forth below. This agenda was prepared under the guidelines of the June 11, 1992, memorandum from the Office of Management and Budget. The purpose of the agenda is to provide information to the public on the Department's

regulatory plans for the program year of October 1, 1992 - September 30, 1993.

**FOR FURTHER INFORMATION CONTACT:** Sally J. Cummins, Assistant Legal Adviser for Legislation and General Management, Department of State, Room 5425, 2201 C Street NW., Washington, DC 20520-6310; telephone (202) 647-5154.

Dated: October 27, 1992.

John F. W. Rogers,

*Under Secretary for Management.*

## DEPARTMENT OF STATE (STATE)

Prerule Stage

## 2056. AMENDMENT TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR CASE 89-011)

Legal Authority: 22 USC 2658; 22 USC 4343; 40 USC 486(c); 5 USC 301

CFR Citation: 48 CFR 601 to 670 (Revision)

Legal Deadline: None

**Abstract:** The DOSAR will be revised to include all agency acquisition regulations that implement and

supplement the FAR. The revision will incorporate agency policy, procedures, contract clauses, solicitation provisions, and forms governing the Department of State contracting process.

**Timetable:**

Action	Date	FR Cite
Next Action	Undetermined	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Will Zehnder, Analyst, Domestic Policy and Compliance Division, Department of State, A/OPE, Room 603, SA-6, Washington, DC 20522-0602, 703 516-1690

RIN: 1400-AA31

## DEPARTMENT OF STATE (STATE)

Proposed Rule Stage

## 2067. ESTABLISHMENT OF A REGISTRY IN THE DEPARTMENT OF STATE FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS

Legal Authority: See Additional Information.

CFR Citation: 22 CFR 92.81(b)(3)

Legal Deadline: None

**Abstract:** By resolution of the international diplomatic conference that adopted the final text of the Convention, there was a recommendation that the Department of State 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). The Senate gave advice and consent to ratification on August 2, 1991.

Implementing legislation, the International Wills Act, is required before the United States can take further action to ratify the Convention.

**Timetable:**

Action	Date	FR Cite
Senate Advice and Consent to Ratification of the 1973 Convention	08/02/91	

Senate Advice and Consent to Ratification of the 1973 Convention

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau

of Consular Affairs, Washington, DC 20520-4818, 202 647-3666

RIN: 1400-AA09

## 2068. ADMINISTRATIVE PRACTICE AND PROCEDURE, CLASSIFIED INFORMATION, FREEDOM OF INFORMATION, PRIVACY

Significance: Agency Priority

**Legal Authority:** 5 USC 552; 5 USC 552a; 5 USC 551 et seq; 5 USC app 201; EO 12356; EO 12600

CFR Citation: 22 CFR 171

Legal Deadline: None

**Abstract:** These rules implement the Freedom of Information Act, the Privacy Act, and other information access provisions, and set forth the practices and procedures governing the availability of information and records to the public. The practices and procedures affect: The making of requests; the review of classified and



STATE

Proposed Rule Stage

other information in response to such requests; access and denial of access to the requested information; the right to administratively appeal a denial of access; the right to request amendment of personal information; the assessment and waiver of fees in connection with the foregoing; and access to and use of financial disclosure reports. During the next twelve months we anticipate that there will be a need to amend that section of the rules which covers the Privacy Act resulting from the creation of new systems of records subject to that Act.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/88	53 FR 32626
NPRM Comment Period End	09/26/88	53 FR 32626
Final Action	02/21/91	56 FR 6968
Final Action Effective	02/21/91	
Continue Proposed Revisions	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Margaret Grafeld, Chief, Privacy, Plans and Appeals Division, Department of State, DS/IM/FPC/PPA, Room 1512, Washington, DC 20520-1239, 202 647-6620

**RIN:** 1400-AA30

**2069. PROCEDURES FOR REVIEW OF ADVERSE ACTIONS**

**Legal Authority:** 22 USC 211a; 22 USC 2705

**CFR Citation:** 22 CFR 51.80 to 51.89

**Legal Deadline:** None

**Abstract:** These rules provide the administrative remedy applicable to persons subject to adverse actions of denial, restriction, revocation, or invalidation of passports under 22 CFR 51.70 to 51.72. The action will amend the regulations to extend the application of the review procedures to actions of denial, restriction, revocation, or invalidation of passports based upon a finding of non-citizenship.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** William B. Wharton, Director, Office of Citizenship Appeals and Legal Assistance, Bureau of Consular Affairs, Department of State, CA/PPT/C, Room 300, SA-17, Washington, DC 20522-1705, 202 326-6175

**RIN:** 1400-AA33

**2070. FOREIGN PROHIBITIONS ON LONGSHORE WORK BY U.S. NATIONALS**

**Legal Authority:** 8 USC 1288(d)

**CFR Citation:** 22 CFR 89

**Legal Deadline:** Final, Statutory, December 31, 1992.

Legal deadline reflects the statutory requirement that the list be updated on an annual basis.

**Abstract:** The above-mentioned statute requires the Secretary of State to compile, and update annually through Notice-and-Comment rulemaking procedures, a list, by particular longshore activity, of countries where performance of such activity is prohibited by law, regulation, or in practice in the country concerned. According to the statute cited above, the Attorney General will use this list for enforcing restrictions on work performed by crewmembers of vessels from such countries. Compilation of the list itself does not involve any significant costs and is based upon information being provided to the Department of State by U.S. diplomatic missions overseas as well as by the public. Questions regarding the policy justification for the list and its use are best directed to the Department of Labor, Transportation, and Justice.

**Timetable:**

Action	Date	FR Cite
NPRM	02/27/91	56 FR 8167
NPRM Comment Period End	03/29/91	
Interim Final Rule	05/30/91	56 FR 24338
Final Rule	12/27/91	56 FR 66970
Final Rule Effective	01/01/92	
Final Rule Correction	01/04/92	57 FR 1384
NPRM	11/00/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Stephen Miller, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State, 2201 C Street NW., Washington, DC 20520-5816, 202 647-6961

**RIN:** 1400-AA34

**2071. VISAS; PART 41 DOCUMENTATION OF NONIMMIGRANTS UNDER THE INA, AS AMENDED**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-649, title II; PL 101-649, Sec 204; PL 101-649, Sec 205; PL 101-649, Sec 206; PL 101-649, Sec 207; PL 101-649, Sec 208; PL 101-649, Sec 209; PL 101-649, Sec 201

**CFR Citation:** 22 CFR 41.51; 22 CFR 41.53; 22 CFR 41.54; 22 CFR 41.55; 22 CFR 41.56; 22 CFR 41.57; 22 CFR 41.58; 22 CFR 41.2(1); 22 CFR 41.2(j); 22 CFR 41.31

**Legal Deadline:** NPRM, Statutory, October 1, 1991.

**Abstract:** The Immigration Act of 1990 (The Act), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. This law modified certain nonimmigrant visa (NIV) classifications and created others. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations.

**Timetable:**

Action	Date	FR Cite
Proposed Rule; Passport and Visa Waiver Requirements (22 CFR 41.2(j))	07/30/91	56 FR 36029
NPRM - Modification of Nonimmigrant Visa Classifications	09/03/91	56 FR 43565
Interim Rule; Visa Waiver Pilot Program (22 CFR 41.2(1))	09/13/91	56 FR 46716
Proposed Rule; Creation of New NIV Classification	01/06/92	57 FR 00341



## STATE

## Proposed Rule Stage

Action	Date	FR Cite
Final Rule; H-L-P-O Visas, 41.11 and 41.12	07/16/92	57 FR 31446
NPRM	05/00/93	
Final Rule; Delegation of Authority	05/00/93	
Final Rule; WWPP	06/00/93	
NPRM Comment Period End	07/00/93	
Final Rule; E Visas	08/00/93	
Final Rule; R Visas	09/00/93	
Final Action	12/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street, NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA36

#### 2072. VISA LOOKOUT SYSTEM

**Significance:** Regulatory Program

**Legal Authority:** PL 102-138, sec 128(e)

**CFR Citation:** 22 CFR 40

**Legal Deadline:** NPRM, Statutory, October 28, 1991.

**Abstract:** The Foreign Relations Authorization Act, Fiscal Years 1992

and 1993, Pub. L. 102-138, enacted October 28, 1991, also modified certain provisions of the Immigration Act of 1990. Section 128(e) provides that the Secretary of State may enter into, or retain in, the visa lookout system names of aliens who have not been formally found to be ineligible to receive visas only for specified reasons and directs the Secretary to establish regulations and procedures for this purpose. This regulation would respond to that statutory requirement.

#### Timetable:

Action	Date	FR Cite
NPRM	01/00/93	
NPRM Comment Period End	02/00/93	
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA43

#### 2073. VISA PART 45

#### DOCUMENTATION OF IMMIGRATION UNDER SECTION 124 OF PUBLIC LAW 101-649, AS AMENDED BY PUBLIC LAW 101-232

**Legal Authority:** PL 101-232, sec 302(b)(1)(5)

**CFR Citation:** 22 CFR 45.3(a)

**Legal Deadline:** None

**Abstract:** Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Pub. L. 102-232, was enacted on December 12, 1991, to make necessary technical corrections to the Comprehensive Immigration Act of 1990, Pub. L. 101-649. The Immigration and Nationality Act at section 104 (8 USC 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations. That statutory provision constitutes the general authority to promulgate these regulations. Section 302(b)(1)(5) amends section 124 of the Immigration Act of 1990, relating to the transition for employees of U.S. businesses operating in Hong Kong.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/93	
NPRM Comment Period End	05/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA44

### DEPARTMENT OF STATE (STATE)

### Final Rule Stage

#### 2074. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

**Legal Authority:** 22 USC 2658

**CFR Citation:** 22 CFR 135

**Legal Deadline:** None

**Abstract:** In August 1992 OMB prepared a revised Circular A-102 (dealing with grants and cooperative agreements to State and local governments). The Department of State has prepared a preamble to the proposed revised circular, endorsing it. When OMB publishes the revised circular as a

proposed rule in the Federal Register, the Department's preamble will be published as well. OMB advises that it has discontinued plans to combine Circular A-102 and Circular A-110 (dealing with grants and cooperative agreements with other nonprofit organizations) into a single circular, and that Circular A-110 will follow a similar, but separate, course in revision.

#### Timetable:

Action	Date	FR Cite
ANPRM	06/18/84	49 FR 24958
Notice of Proposed Forms	05/29/87	52 FR 20178
NPRM	06/09/87	52 FR 21820
Begin Review	06/24/87	52 FR 23729
Notice Public Comment Period End	07/28/87	52 FR 20178
NPRM Comment Period End	08/10/87	52 FR 21820
Final Rule	03/11/88	53 FR 8034
NPRM	11/04/88	53 FR 44716



## STATE

## Final Rule Stage

Action	Date	FR Cite
NPRM Public Comment Period End	01/03/89	53 FR 44716
Next Action Undetermined		
<b>Small Entities Affected:</b> None		
<b>Government Levels Affected:</b> Local, State, Federal		
<b>Agency Contact:</b> Will Zehnder, Analyst, Domestic Policy and Compliance Division, Department of State, Room 603, SA-6, Washington, DC 20522-0602, 703 516-1690		
<b>RIN:</b> 1400-AA20		

**2075. INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)**

**Legal Authority:** 22 USC 2778; EO 12735; 22 USC 2751 et seq; EO 11958; EO 12735

**CFR Citation:** 22 CFR 120 to 130

**Legal Deadline:** NPRM, Statutory, June 1, 1991.

Deadline has been extended.

**Abstract:** The ITAR were first published in their current form in 1955 and have been periodically amended to reflect statutory enactments and to implement foreign policy. The last substantial revision occurred in December 1984. In May 1992 the State Department office which administers the ITAR, the Office of Defense Trade Controls, published a proposed revision of the ITAR. This proposed revision clarifies and updates these regulations and adds exemptions for certain types of exports. This proposed rule is expected to become final by December 1992.

**Timetable:**

Action	Date	FR Cite
Published	10/17/89	54 FR 42496
Administrative Changes to the International Traffic in Arms Regulations		
New License Exemptions Under ITAR	06/26/90	53 FR 25981
NPRM	07/25/91	56 FR 34037
NPRM Comment Period End	08/26/91	
NPRM - Amending the ITAR (Two Rules)	09/05/91	56 FR 43894

Action	Date	FR Cite
NPRM - Two Rule Changes to the ITAR	09/16/91	56 FR 46753
Amend Prohibited Destination List	10/29/91	56 FR 55630
Amend USML	01/16/92	57 FR 1886
Designate Non-Significant Military Equipment	01/16/92	57 FR 1888
NPRM - Amends USML	04/13/92	57 FR 12774
NPRM - Amends USML	04/22/92	57 FR 14671
Final Rule - Amends Section 121 of ITAR	04/27/92	57 FR 15227
NPRM - Revision of ITAR	05/07/92	57 FR 19666
Final Rule - Amends USML	10/23/92	57 FR 48315
Final Action - Revision of ITAR	12/00/92	
Continue Proposed Revisions	00/00/00	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal

**Agency Contact:** Rose Biancaniello, Chief, Arms Licensing Division, Bureau of Politico-Military Affairs, Department of State, PM/DTC, Room 200, Annex 6, Washington, DC 20522-0602, 703 875-6644

**RIN:** 1400-AA23

**2076. NEW RESTRICTIONS ON LOBBYING**

**Significance:** Regulatory Program

**Legal Authority:** 31 USC 1352; 22 USC 2658

**CFR Citation:** 22 CFR 138 (New)

**Legal Deadline:** None

**Abstract:** This interim final rule establishes a uniform regulation for nonprocurement Federal transactions among 29 Federal agencies. The regulation adopts and implements guidance published by the Office of Management and Budget (see 54 52306, December 20, 1989), pursuant to section 319 of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990. Section 319 added section 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,"

to title 31, United States Code. The interim final rule, published February 26, 1990, establishes semiannual reporting requirements. There has been no final action on the interim final rule, because new legislation has been proposed by Senator Levin which, if enacted, would rescind the current requirement for semiannual reporting, and add a provision requiring registration by all lobbyists with the Department of Justice.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
OMB Government-wide Guidance (Notice)	06/15/90	55 FR 24540

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Will Zehnder, Analyst, Domestic Policy and Compliance Division, Department of State, A/OPE, Room 603, SA-6, Washington, DC 20522-0602, 703 516-1690

**RIN:** 1400-AA29

**2077. VISAS; PART 42 DOCUMENTATION OF IMMIGRANTS UNDER THE INA, AS AMENDED**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-649, title I; PL 101-649, sec 154; PL 101-649, sec 155

**CFR Citation:** 22 CFR 42; 22 CFR 42.72; 22 CFR 42.54

**Legal Deadline:** NPRM, Statutory, October 1, 1991.

**Abstract:** The Immigration Act of 1990 (the Act), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. The law partially restructured the immigrant visa system. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations.



**STATE** **Final Rule Stage**

Timetable:			Action			Action		
Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
Final Rule - Expedited Issuance of Certain Lebanese Visas	05/03/91	56 FR 20347	Interim Final Rule - Various Amendments	10/01/91	56 FR 49675	Final Rule - Various Amendments	12/00/92	
Final Rule - Extended Validity of IVs for Hong Kong	07/16/91	56 FR 32322	Interim Final Rule Effective	10/10/91	56 FR 51170	Final Rule - 42.32(d)(7)	12/00/92	
Final Rule - Extended Validity of IVs for Hong Kong	07/17/91	56 FR 52503	Interim Final Rule Comment Period End	10/31/91	56 FR 55077	<b>Small Entities Affected:</b> Undetermined		
Interim Final Rule - Reorganize Immigrant Visa Regulations	10/01/91	56 FR 49678	Final Rule - Numerical Control Limitation	10/00/92		<b>Government Levels Affected:</b> Undetermined		
			Final Rule - Reorganize Immigrant Visa Regulations	11/00/92		<b>Agency Contact:</b> Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street, NW., SA-1, Washington, DC 20522-0113, 202 663-1184		
			Final Rule - Various Amendments	11/00/92		<b>RIN:</b> 1400-AA37		
			Final Rule - 42.32(d)(2)	11/00/92				

**DEPARTMENT OF STATE (STATE)** **Completed Actions**

**2078. VISAS PART 43 DOCUMENTATION OF IMMIGRANTS**  
**Significance:** Regulatory Program  
**CFR Citation:** 22 CFR 43.12 to 43.17

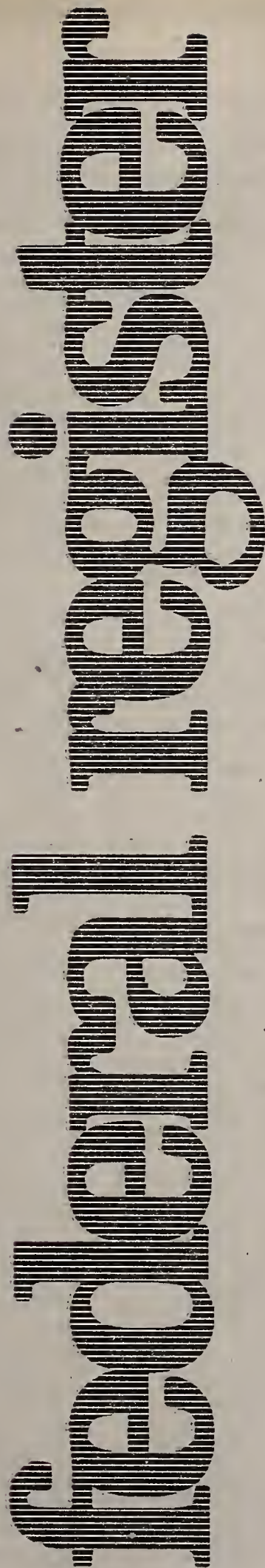
**Completed:**

Reason	Date	FR Cite
Final Action	06/29/92	57 FR 28978
Final Action Effective	06/29/92	57 FR 28978

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined  
**Agency Contact:** Cornelius D. Scully, III, 202 663-1184  
**RIN:** 1400-AA42  
 [FR Doc. 92-26403 Filed 11-02-92; 8:45 am]  
 BILLING CODE 4710-10-F





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**Tuesday  
November 3, 1992**

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**Part XIV**

**Department of  
Transportation**

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**Semiannual Regulatory Agenda**



## DEPARTMENT OF TRANSPORTATION (DOT)

## DEPARTMENT OF TRANSPORTATION

## Office of the Secretary

14 CFR Chs. I-III

23 CFR Chs. I-III

33 CFR Chs. I and IV

46 CFR Chs. I-III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 92-11]

Department Regulations Agenda;  
Semiannual Summary

AGENCY: Office of the Secretary, DOT.

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. 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. The public is also invited to submit comments to continuously open regulatory review dockets, suggesting items for consideration as part of the Department's ongoing review of existing regulations.

**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, and the U.S. Coast Guard, which is located at 2100 2nd Street SW., Washington, DC 20593.

**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.

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## Supplementary Information:

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## Agenda

**SUPPLEMENTARY INFORMATION:****Background**

Improvement of Government regulations is a prime goal of the Bush 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 12 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 April 27, 1992 (57 FR 17012). The next one is scheduled for publication in the Federal Register in April 1993.

**Regulatory Flexibility Act**

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Public Law 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. A Regulatory Flexibility Analysis is required for a rulemaking which, in the heading "Small Entities Affected," indicates an effect on small businesses, governmental jurisdictions, or organizations. 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 12 months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last agenda. However, it should be noted 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.

**Regulatory Impact Analysis**

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively, that

(1) is likely to result in:



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(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 has determined requires such an analysis.

#### 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 regulation that, (a) 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.

#### Explanation of Information on the Agenda

The format for this agenda is required by Office of Management and Budget memorandum of June 11, 1992.

First, the agenda is divided by initiating offices. Then, in accordance with the OMB memorandum, 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 and, if so, for what type of action (e.g., NPRM, final rule); (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) an indication as to whether the rulemaking will affect small entities and/or levels of government and which categories of small entities or governments will be impacted; (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 Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue in the Federal Register which may occur between agenda publications. (Departmental rulemaking documents published in the Federal Register now contain RIN numbers.)

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



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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 or to obtain copies of specific 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 presentation 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; 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. To ease the process for submission of suggestions of regulations warranting review by departmental entities, each operating administration and the Office of the Secretary maintains a continuously open regulatory review docket. Suggestions should be submitted to the docket section of the relevant modal administration or Office of the Secretary, attention "Regulatory Review Docket," with the following specific rulemaking docket numbers:

Federal Aviation Administration, Docket 26768;

Federal Highway Administration, Docket 92-12;

Federal Railroad Administration, Docket RSS-1-92-1;

Federal Transit Administration, Docket 92A;

Maritime Administration, Docket R-141;

National Highway Traffic Safety Administration, Docket 92-04;

Office of the Secretary, Docket 47978;

Research and Special Programs Administration, Docket RR-1;

Saint Lawrence Seaway Development Corporation, Attn: Marc Owen, Chief Counsel;

United States Coast Guard, Docket 92-005.

The addresses of the docket sections are contained in Appendix C. Multiple copies of the suggestions would be appreciated but are not required.



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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.

**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. 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, 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 September 14, 1992.

Andrew H. Card, Jr.,

Secretary of Transportation.

**Appendix A - Instructions for Obtaining Copies of Regulatory Documents**

Some Administrations within the Department differ in procedures or as to inclusion on a mailing list. For the offices listed below, persons desiring to obtain a copy of a specific regulatory document to be issued that is listed in this agenda should communicate, either by telephone or by letter, with the

contact person listed with the regulation at the addresses below.

*United States Coast Guard (USCG)*

(Name of contact person), United States Coast Guard, 2100 2nd Street SW., Washington, DC 20593.

*Federal Highway Administration (FHWA)*

(Name of contact person), Federal Highway Administration, 400 7th Street SW., Washington, DC 20590.

*Federal Railroad Administration (FRA)*

(Name of contact person), Federal Railroad Administration, 400 7th Street SW., Washington, DC 20590.

*National Highway Traffic Safety Administration (NHTSA)*

(Name of contact person), National Highway Traffic Safety Administration, 400 7th Street SW., Washington, DC 20590.

*Federal Transit Administration (FTA)*

(Name of contact person), Federal Transit Administration, 400 7th Street SW., Washington, DC 20590.

*Saint Lawrence Seaway Development Corporation (SLSDC)*

(Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street SW., Room 5424, Washington, DC 20590.

*Research and Special Programs Administration (RSPA)*

(Name of contact person), Research and Special Programs Administration, 400 7th Street SW., Washington, DC 20590.

*Maritime Administration (MARAD)*

James Saari, Secretary, Maritime Administration, 400 7th Street SW., Room 7300B, Washington, DC 20590, (202) 366-5746.

*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.

*Office of the Secretary (OST)*

Persons desiring to receive future copies of the Department's 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.

**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 - LTCR Don Wrye, Marine Safety Council, USCG Headquarters Building, Room 3600, 2100 2nd Street SW., Washington, DC 20593; telephone: (202) 267-1534.

FAA - Donald Byrne, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Avenue SW., Room 915A, Washington, DC 20591; telephone: (202) 267-3491.

FHWA - Thomas Holian, Office of Chief Counsel, 400 7th Street SW., Room 4223, Washington, DC 20590; telephone: (202) 366-1383.

FRA - Marina Appleton, Office of Chief Counsel, 400 7th Street SW., Room 8128, Washington, DC 20590; telephone: (202) 366-6743.

NHTSA - Steve Kratzke, Office of Chief Counsel, 400 7th Street SW., Room 5219, Washington, DC 20590; telephone: (202) 366-2992.

FTA - Susan Schruth, Office of Chief Counsel, 400 7th Street SW., Room 9316, Washington, DC 20590; telephone: (202) 366-4011.

SLSDC - Marc Owen, General Counsel's Office, 400 7th Street SW., Room 5424, Washington, DC 20590; telephone: (202) 366-0108.

RSPA - Mary Crouter, Office of Chief Counsel, 400 7th Street SW., Room 8405;



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Washington, DC 20590; telephone: (202) 366-4367.

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 3406, Washington, DC 20593. Working Hours: 8:00-3:00 (Monday-Friday).

FAA - Rules Docket (AGC-10), Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Avenue SW., Room 915G, Washington, DC 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street SW., Room 4232, Washington, DC 20590. Working Hours: 8:30-3:30.

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 5109, Washington, DC 20590. Working Hours: 9:30-4:00.

FTA - Docket Clerk, 400 7th Street SW., Room 9316, 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 8421, Washington, DC 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street SW., Room 7300, Washington, DC 20590. Working Hours: 8:30-5:00.

OST - Docket Clerk, 400 7th Street SW., Room 4107, Washington, DC 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

Se-quence Number	Title	Regulation Identifier Number
2079	+ Antidrug Programs for Department of Transportation Contractors .....	2105-AB40
2080	Direct Flights .....	2105-AA73
2081	Price Advertising .....	2105-AB25
2082	Transportation Acquisition Regulations; Rewrite .....	2105-AB75

+ Designates significant regulation.

Office of the Secretary—Proposed Rule Stage

Se-quence Number	Title	Regulation Identifier Number
2083	+ Commercial Space Transportation: Financial Responsibility Requirements for Licensed Launch Activities .....	2105-AA26
2084	+ Anti-Alcohol Program for the Transportation Industry .....	2105-AB52
2085	+ Proposed Policy on Peak Period Pricing of Airport Landing Fees .....	2105-AB63
2086	+ Licensing Commercial Space Launch Activities .....	2105-AB85
2087	+ Minority Business Enterprise Program (Financial Assistance Programs) .....	2105-AA04
2088	+ Nondiscrimination on the Basis of Handicap in Air Travel (Air Carrier Access Act) .....	2105-AB60
2089	+ Procedures for Transportation Workplace Drug-Testing Programs .....	2105-AB71
2090	+ Passenger Manifest Information .....	2105-AB78
2091	+ Seismic Safety of DOT Assisted or Regulated New Building Construction .....	2105-AB79
2092	+ Procedures for Transportation Workplace Drug-Testing Programs: Management Information Systems .....	2105-AB81
2093	+ Accessibility of Passenger Vessels to Individuals With Disabilities .....	2105-AB87
2094	+ Aviation Charter Rules .....	2105-AB91
2095	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments .....	2105-AB46
2096	Implementation of Amendments to the Equal Access to Justice Act .....	2105-AB73
2097	Rules of Conduct in DOT Proceedings .....	2105-AB89
2098	Standard Time Zone Boundary in the State of North Dakota: Proposed Relocation .....	2105-AB90

+ Designates significant regulation.

Office of the Secretary—Final Rule Stage

Se-quence Number	Title	Regulation Identifier Number
2099	+ New Restrictions on Lobbying .....	2105-AB57
2100	+ Statement of Enforcement Policy on Rebating .....	2105-AB39



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## Office of the Secretary—Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
2101	+ Price Advertising.....	2105-AB50
2102	+ Smoking Aboard Aircraft.....	2105-AB58
2103	+ Nondiscrimination on the Basis of Handicap in Air Travel (Air Carrier Access Act).....	2105-AB61
2104	+ Nondiscrimination on the Basis of Handicap in Federally Assisted Programs.....	2105-AB62
2105	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs.....	2105-AA09
2106	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers.....	2105-AA40
2107	Air Travelers: Age Discrimination.....	2105-AA45
2108	Policy Statement on Airline Preemption.....	2105-AA46
2109	Diversion of Flights Within a Metropolitan Area.....	2105-AA78
2110	Simplified Aviation Exemption Procedures.....	2105-AA82
2111	Baggage Liability Notices in International Air Transportation.....	2105-AA84
2112	Simplified Airline Counter-Sign Notices.....	2105-AA88
2113	Transportation Acquisition Regulations.....	2105-AB54
2114	Testimony of Employees of the Department and Production of Records in Legal Proceedings.....	2105-AB56
2115	Centralization of Formal Hearing Dockets (OST).....	2105-AB69
2116	Procedures and Evidence Rules for Air Carrier Fitness Proceedings.....	2105-AB82
2117	Unfair Competition by Commonly Owned Carriers in Alaska.....	2105-AB83
2118	Removal of Obsolete and Redundant Regulations.....	2105-AB88

+ Designates significant regulation.

## Office of the Secretary—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2119	+ Computer Reservation System (CRS) Rules: Review.....	2105-AB47
2120	+ Participation by Disadvantaged Business Enterprises in Airport Concessions.....	2105-AB70
2121	Aviation Economic Rules.....	2105-AB84
2122	Nondiscrimination on the Basis of Handicap in Air Travel.....	2105-AB86

+ Designates significant regulation.

## U.S. Coast Guard—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
2123	Posting Requirements on Inspected Vessels (87-031).....	2115-AC68
2124	Controlling the Marine Asbestos Hazard (88-103).....	2115-AD16
2125	Alcohol/Drug Abuse Review for License/Certificate of Registry and Merchant Mariner Document Applicants (91-210).....	2115-AD91
2126	Criminal Record Reviews for License or Certificate of Registry Renewals (91-212).....	2115-AD93
2127	Removal of Master or Person in Charge of a Vessel (91-214).....	2115-AD95
2128	Reporting Marine Casualties (91-216).....	2115-AD98
2129	Fixed Red and Green Lateral Lights Structures in the Western Rivers (91-049).....	2115-AE08
2130	Unnecessary Drawbridge Opening (91-059).....	2115-AE14
2131	Alteration of Obstructive Bridges (91-063).....	2115-AE15
2132	Handling of Explosives or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities (92-026).....	2115-AE22

## U.S. Coast Guard—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2133	+ Inspection of Discharge-Removal Equipment and Carriage by Vessels of Discharge-Removal Equipment (CGD 90-068).....	2115-AD66
2134	+ Facility Response Plans (91-036).....	2115-AD82



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U.S. Coast Guard—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
2135	+ Structural and Operational Measures to Reduce Oil Spills from Existing Tank Vessels Without Double Hulls (91-045) .....	2115-AE01
2136	+ Licensing of Pilots—Manning of Vessels (84-060).....	2115-AB67
2137	+ Security for Passenger Vessels and Passenger Terminals (91-012) .....	2115-AD75
2138	+ Drug Testing Regulations Amendments; Reporting Requirement Added (MIS)(91-019) .....	2115-AD84
2139	+ User Fees for Approvals of Equipment, Laboratories, and Servicing Facilities (92-013) .....	2115-AE18
2140	+ State Access to the Oil Spill Liability Trust Fund (92-014).....	2115-AE19
2141	Hybrid Personal Flotation Devices: Establishment of Approval Requirements (78-174).....	2115-AA29
2142	Outer Continental Shelf Facilities: Aids to Navigation (82-054).....	2115-AA92
2143	Safety Standards for New Self-Propelled Vessels Carrying Bulk Liquefied Gases (82-058) .....	2115-AA95
2144	Fire Protection Regulations (CGD 83-026).....	2115-AB36
2145	Revisions to the Electrical Engineering Regulations (85-063).....	2115-AC20
2146	Small Passenger Vessel Inspection and Certification (CGD 85-080) .....	2115-AC22
2147	Load Lines (86-013) .....	2115-AC37
2148	Revision to Inflatable Liferaft Approval: SOLAS 74/83 (85-205) .....	2115-AC51
2149	Regattas and Marine Parades (CGD 87-087).....	2115-AC84
2150	Marine Transport of Bulk Solid Hazardous Materials (87-069).....	2115-AD02
2151	Requirements for Marine Terminals Transferring Bulk Liquefied Hazardous Gases (88-049).....	2115-AD06
2152	Written Warnings by Coast-Guard Law Enforcement Officials (88-074).....	2115-AD13
2153	Access Documents to Waterfront Facilities (88-097).....	2115-AD14
2154	Regulated Navigation Areas; Brownsville Ship Channel (8-89-01) .....	2115-AD21
2155	General Revisions to Stability Regulations (Subchapter S) (89-038).....	2115-AD34
2156	Vessel Identification System (89-050).....	2115-AD35
2157	Definition of Channel 67 Radio Boundaries (89-086) .....	2115-AD44
2158	Special Requirements for Lightering of Oil and Hazardous Material Cargoes (90-052).....	2115-AD66
2159	Tank Level or Pressure Monitoring Devices (CGD 90-071).....	2115-AD69
2160	Ballast Water Management For Vessels Entering The Great Lakes (91-066).....	2115-AD80
2161	Overfill Devices (CGD 90-071a).....	2115-AD87
2162	New Terms of Validity for Certificates of Registry and Merchant Mariner's Documents .....	2115-AD92
2163	Suspension and Revocation of Licenses, Certificates of Registry, and Merchant Mariners' Documents .....	2115-AD94
2164	Access to National Driver Register .....	2115-AD96
2165	Manning Standards for Foreign Tank Vessels (91-215).....	2115-AD97
2166	Periodic Gauging of Plating Thickness of Commercial Vessels .....	2115-AD99
2167	Use of Automatic Pilot; Area Restrictions and Performance Requirements (91-204) .....	2115-AE00
2168	A Second Licensed Officer on Tanker Bridge .....	2115-AE03
2169	Gulf Intracoastal Waterway (91-050).....	2115-AE09
2170	Damage Stability Criteria for Double-Hulled Tank Vessels (91-206).....	2115-AE11
2171	Unattended Engine Room (91-203) .....	2115-AE12
2172	Refuse Record Books for Ships .....	2115-AE17
2173	Transfer Hose Markings (92-027).....	2115-AE20
2174	Prince William Sound Pilotage .....	2115-AE24

+ Designates significant regulation.

U.S. Coast Guard—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2175	+ Offshore Supply Vessel Regulations (82-004).....	2115-AA77
2176	+ Traffic Separation Schemes and Shipping Safety Fairways off the Coast of California (83-032) .....	2115-AB29
2177	+ Financial Responsibility for Water Pollution (Vessels) (CGD 91-005).....	2115-AD76
2178	+ Direct User Fees for Inspection or Examination of U.S. and Foreign Commercial Vessels (91-030) .....	2115-AD78
2179	+ Tank Vessel Response Plans (91-034) .....	2115-AD81
2180	+ Lifesaving Equipment—Implementation of 1983 Amendments to SOLAS 1974 (84-069).....	2115-AB72
2181	+ Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-59a).....	2115-AB91
2182	+ Subdivision and Damage Stability of Dry Cargo Vessels (CGD 87-094).....	2115-AC87
2183	+ Implementation of the Commercial Fishing-Industry Vessel Safety Act (88-079) .....	2115-AD12
2184	+ Recording of Instruments—Vessel Documentation (89-007).....	2115-AD60
2185	+ Double Hull Standards for Tank Vessels Carrying Oil (90-051) .....	2115-AD61
2186	+ Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel (90-053).....	2115-AD63
2187	+ Drawbridge Operations Regulations; Potomac River, District of Columbia (Woodrow Wilson Bridge) (90-064).....	2115-AD71



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U.S. Coast Guard—Final Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
2188	+ Direct User Fees for Marine Licensing, Certification of Registry, and Merchant Mariner Documentation (91-002)....	2115-AD72
2189	+ Claims Procedures Under The Oil Pollution Act of 1990 (CGD 91-035) .....	2115-AD90
2190	Tankermen (79-116).....	2115-AA03
2191	Fixed Fire-Extinguishing Systems on Uninspected Vessels (74-284).....	2115-AA08
2192	Safety/Security Zone Regulations .....	2115-AA97
2193	Anchorage Area Regulations .....	2115-AA98
2194	Incorporation of Amendments to the International Convention for Safety of Life at Sea, 1974 (83-043).....	2115-AB41
2195	Personal Flotation Device Components (84-068).....	2115-AB70
2196	Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089).....	2115-AB99
2197	Oil Pollution Prevention, MARPOL Annex I (85-026) .....	2115-AC11
2198	Updating Approval and Carriage Requirements for Breathing Apparatus (86-036) .....	2115-AC30
2199	Uninspected Vessel Emergency Position Indicating Radio Beacons (EPIRBs) (87-016).....	2115-AC69
2200	Delegation of Authority to Area Commanders When Functioning as Maritime Defense Zone Commanders (CGD 87-065) .....	2115-AC88
2201	Anchorage Regulations (86-079).....	2115-AC96
2202	Permits for the Transportation of Municipal and Commercial Wastes (89-014).....	2115-AD23
2203	Waiver of Crewmember Citizenship Requirements (89-061) .....	2115-AD38
2204	Chesapeake Bay Traffic Separation Scheme (90-039).....	2115-AD43
2205	National Vessel Traffic Service (VTS) Regulations (90-020) .....	2115-AD56
2206	Drawbridge Operation Regulations, Waterborne Emergency (91-016).....	2115-AD77
2207	Regulated Navigation Area; Puget Sound, Washington (13-90-03) .....	2115-AD86
2208	Regulated Navigation Area: Puget Sound and Strait of Juan de Fuca, WA; Grays Harbor, WA; Columbia River and Willamette River, OR; Yaquina Bay, OR; Umqua River, OR; Coos Bay, OR .....	2115-AE06
2209	Escorts for Certain Tankers (91-202).....	2115-AE10

+ Designates significant regulation.

U.S. Coast Guard—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2210	+ Great Lakes Pilotage Rates, (89-104) .....	2115-AD47
2211	+ Programs for Chemical Drug and Alcohol Testing; Delay of Implementation Date .....	2115-AD74
2212	+ Alcohol Testing (92-018) .....	2115-AE16
2213	Manufacturer and Dealer, First Purchaser List Requirements (77-115) .....	2115-AA16
2214	Navigation on Certain Waterways Tributary to the Gulf of Mexico (85-096).....	2115-AC03
2215	Stability Design and Operational Regulations (89-037) .....	2115-AD33
2216	VTS Prince William Sound Automated Dependent Surveillance Equipment Carriage Requirements (91-032) .....	2115-AD79
2217	Hazards to Navigation (91-031).....	2115-AD83
2218	Designation of Areas for Pollution Response Planning .....	2115-AE04
2219	Vessel Communication Equipment Regulations (91-046).....	2115-AE07
2220	Delegation of Authority Under OPA 90.....	2115-AE21
2221	Civil and Criminal Penalties Under OPA 90 (CGD 92-007) .....	2115-AE23

+ Designates significant regulation.

Federal Aviation Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2222	+ Fatigue Evaluation of Structure .....	2120-AD42
2223	+ Fatigue Test Requirements for Aging Aircraft.....	2120-AD43
2224	+ Revision of Part 108, Airplane Operator Security.....	2120-AD45
2225	+ Revision of Part 107, Airport Security.....	2120-AD46
2226	+ Unescorted Access Privilege .....	2120-AE14
2227	+ Aging Aircraft Safety .....	2120-AE42
2228	+ Alcohol Misuse Prevention Program for Personnel Engaged in Specified Aviation Activities .....	2120-AE43
2229	+ Part 61 - Phase II .....	2120-AE71
2230	+ Revision of Medical Standards and Certification Procedures.....	2120-AA70



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Federal Aviation Administration—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
2231	+ Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking and at Training Centers.....	2120-AA83
2232	+ Standards for Approval of a Wet Runway Reduced V1 Methodology and Improved Takeoff and Landing Braking Performance.....	2120-AB17
2233	+ Passenger-Carrying and Cargo Air Operations for Compensation or Hire.....	2120-AC08
2234	+ Repair Station and Repairmen Certification Rules.....	2120-AC38
2235	+ Parts 121 and 135—Training, Checking, Certification, and Qualifications Requirements.....	2120-AC79
2236	+ Installation of Crashworthy Fuselage Fuel Tanks and Fuel Lines.....	2120-AC87
2237	+ Sole Radio Navigation System; Minimum Standards for Certification.....	2120-AD26
2238	+ Airworthiness Standards; Occupant Protection Standards for Commuter Category Airplanes.....	2120-AD27
2239	+ Allowable Carbon Dioxide Concentration in Transport Category Airplane Cabins.....	2120-AD47
2240	+ Alternative Means of Compliance.....	2120-AD66
2241	+ Anti-Drug Program; Consolidated Amendments.....	2120-AD67
2242	+ Protective Breathing Equipment; Cargo-Only Airplanes.....	2120-AD74
2243	+ Protective Breathing Equipment; Fire Drills.....	2120-AD76
2244	+ Crew Pairing Requirements.....	2120-AD88
2245	+ Child Restraint Systems.....	2120-AD90
2246	+ Establish Powered Ultralight Vehicles Standards.....	2120-AE12
2247	+ Notification to Air Traffic Control (ATC) of Deviations From ATC Clearances and Instructions in Response to Traffic Alert and Collision Avoidance System Resolution Advisories.....	2120-AE31
2248	+ Fire-Blocking Material for Part 135 Airplane Seats.....	2120-AE33
2249	+ Access Into the Cockpit.....	2120-AE35
2250	+ Emergency Locator Transmitter Replacement.....	2120-AE36
2251	+ Drug Testing in the Workplace.....	2120-AE40
2252	+ Proposed Alteration of the Denver Terminal Control Area, Colorado.....	2120-AE46
2253	+ Reduced Altitude Separation.....	2120-AE51
2254	+ JAR/FAR Harmonization Initiatives - Systems.....	2120-AE59
2255	+ JAR/FAR Harmonization Initiatives - Propulsion.....	2120-AE60
2256	+ JAR/FAR Harmonization Initiatives - Flight.....	2120-AE61
2257	+ JAR/FAR Harmonization Initiatives - Airframe.....	2120-AE62
2258	+ Airport Land Use Compatibility Planning - Proposed Revisions.....	2120-AE64
2259	+ Relief from Transponder-On Requirement for Aircraft With Limited Electrical Systems.....	2120-AE67
2260	+ Production Certificate Modernization.....	2120-AE74
2261	Review of Part 47, Aircraft Registration, and Part 49, Recording of Aircraft Titles and Security Documents.....	2120-AC17
2262	Fuel System Vent Fire Protection.....	2120-AA49
2263	Composite Propellers.....	2120-AB05
2264	Aircraft Engines: Fuel and Induction Systems.....	2120-AB76
2265	Maintenance Recordkeeping Requirements.....	2120-AD25
2266	High Intensity Radiated Fields Protection Standards for Aircraft Electrical and Electronic Systems.....	2120-AD32
2267	Depressurization Evaluation of Structures.....	2120-AD35
2268	Bird Strike Damage Assessment.....	2120-AD39
2269	1-G Stalling Speed as a Basis for Compliance with Part 25 of the Federal Aviation Regulations.....	2120-AD40
2270	Parachute Equipment and Packing Requirements.....	2120-AD57
2271	Reporting Requirements: Transferee Holders and Licensees.....	2120-AD64
2272	Model Rocket Operations.....	2120-AD84
2273	Cost of Services and Transfer of Fees to Part 187 from Parts 47, 49, 61, 63, 65, and 143.....	2120-AD91
2274	Autopilot Minimum Altitudes.....	2120-AE15
2275	Offshore Airspace Review.....	2120-AE32
2276	Visual Descent Points.....	2120-AE34
2277	Airport Runway Incursion.....	2120-AE38
2278	Type Certificates for Some Surplus Aircraft of the Armed Forces.....	2120-AE41
2279	Exit Seating for On-Demand Operations.....	2120-AE44
2280	Special Flight Authorizations for Noise-Restricted Aircraft.....	2120-AE49
2281	Non-Federal Navigation Facilities.....	2120-AE54
2282	Amend Part 34: Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes.....	2120-AE55
2283	Persons Authorized to Perform Maintenance, Preventive Maintenance, Rebuilding, and Alterations.....	2120-AE57
2284	Part 145 Review: Repair Stations.....	2120-AE58
2285	Manned Free Balloons.....	2120-AE63
2286	Part 71 Review: Airspace Designations.....	2120-AE65
2287	Removal of the Fee Provisions of Part 189.....	2120-AE68
2288	Part 187 - Fees.....	2120-AE72
2289	Kansas City Terminal Control Area.....	2120-AE73

+ Designates significant regulation.



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## Federal Aviation Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2290	+ Civil Supersonic Aircraft Noise Type Certification Standards and Operating Rules .....	2120-AC22
2291	+ Improved Survival Equipment for Inadvertent Water Landings.....	2120-AC72
2292	+ Retrofit of Improved Seats in Air Carrier Transport Category Airplanes .....	2120-AC84
2293	+ Drug Enforcement Assistance .....	2120-AD16
2294	+ Temporary Flight Restrictions .....	2120-AD55
2295	+ Elimination of Airport Delays .....	2120-AB42
2296	+ Flight Attendant Requirements .....	2120-AC32
2297	+ Type and Number of Passenger Emergency Exits Required in Transport Category Airplanes.....	2120-AC43
2298	+ Emergency Locator Transmitters .....	2120-AD19
2299	+ Small Airplane Airworthiness Review Program Notice No. 4.....	2120-AD20
2300	+ Small Airplane Airworthiness Review Program Notice No. 3.....	2120-AD30
2301	+ Airworthiness Standards; Emergency Exit Provisions for Normal, Utility, Acrobatic, and Commuter Category Airplanes.....	2120-AD33
2302	+ Establishment and Discontinuance Criteria for LORAN-C Nonprecision Approach Procedures.....	2120-AD68
2303	+ Biennial Flight Review.....	2120-AE11
2304	+ Exit Seating.....	2120-AE22
2305	+ Aircraft Ground Deicing and Anti-Icing Program.....	2120-AE70
2306	Objects Affecting Navigable Airspace.....	2120-AA09
2307	Miscellaneous Amendments .....	2120-AA50
2308	Airworthiness Standards; Crash Resistant Fuel Systems.....	2120-AA57
2309	Airworthiness Standards; Aircraft Engine Electrical and Electronic Engine Control Systems .....	2120-AB06
2310	Standards for Approval for High Altitude Operation of Subsonic Transport Airplanes.....	2120-AB18
2311	Airworthiness Standards; Transport Category Rotorcraft Performance.....	2120-AB36
2312	Low Fuel Quantity Alerting System.....	2120-AB46
2313	Airworthiness Standards; New Rotorcraft 30-Second/2-Minute One-Engine-Inoperative Power Ratings .....	2120-AB90
2314	Airworthiness Standards; Turboshaft Engine Rotor Burst Protection .....	2120-AB91
2315	Miscellaneous Changes to Emergency Evacuation Demonstration Procedures, Exit Handle Illumination, and PA Handsets.....	2120-AC45
2316	Airworthiness Standards; Crash Resistant Fuel Systems in Normal and Transport Category Rotorcraft.....	2120-AC68
2317	Electrical and Electronic Systems Lightning Protection.....	2120-AC81
2318	Airworthiness Standards; Aircraft Engines; Proposal for New One-Engine-Inoperative Ratings, Definitions, and Type Certification Standards.....	2120-AD21
2319	Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins.....	2120-AD28
2320	Airplane Engine Cowling Retention.....	2120-AD34
2321	Use of Inert Gas for Tire Inflation in Lieu of Air .....	2120-AD37
2322	Design Standards for Airplane Jacking and Tie-Down Provisions.....	2120-AD38
2323	Airworthiness Standards; Small Airplanes With Stall Speed Greater Than 61 Knots.....	2120-AD48
2324	Centralization of Formal Hearing Dockets (FAA) .....	2120-AD63
2325	Temporary Restriction of Instrument Approaches and Certain Visual Flight Rules Operations in High Pressure Weather Conditions.....	2120-AD75
2326	Applications for Export Airworthiness Approvals.....	2120-AD81
2327	Flight Recorders and Cockpit Voice Recorders .....	2120-AE39
2328	Part 157 Review .....	2120-AE52
2329	Part 95 Instrument Flight Rules .....	2120-AA63
2330	Airworthiness Directives.....	2120-AA64
2331	Standard Instrument Approach Procedures .....	2120-AA65
2332	Airspace Actions.....	2120-AA66

+ Designates significant regulation.

## Federal Aviation Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2333	+ Primary Category Aircraft.....	2120-AB53
2334	+ High Density Traffic Airports Slot Allocation and Transfer Methods (New Entrants) .....	2120-AD93
2335	+ Miscellaneous Operational Amendments .....	2120-AB45
2336	+ Improved Access to Type III Exits.....	2120-AC46
2337	+ Revision of Aviation Maintenance Technician Schools Regulations .....	2120-AD09
2338	+ Vibration, Buffet and Aeroelastic Stability Requirements for Transport Category Airplanes .....	2120-AD36
2339	+ Flight Recorders and Cockpit Voice Recorders .....	2120-AD82



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Federal Aviation Administration—Completed Actions—Continued

Se- quence Number	Title	Regulation Identifier Number
2340	+ Air Traffic Control Radar Beacon System and Mode S Transponder Requirements in the National Airspace System .....	2120-AE27
2341	+ Prohibition Against Certain Flights Between the United States and Libya.....	2120-AE48
2342	+ Alternative Noise Certification for Normal, Transport, and Restricted Category of Helicopters not Exceeding 6,000 Pounds Maximum Takeoff Weight.....	2120-AE50
2343	+ Prohibition Against Certain Flights Between the United States and Yugoslavia.....	2120-AE53
2344	+ Anti-Drug Program for Personnel Engaged in Specified Aviation Activities.....	2120-AE76
2345	Review of Part 135, Air Taxi Operators and Commercial Operators .....	2120-AB28
2346	Proposed Alteration of the Houston Hobby Terminal Control Area and Revocation of the Houston Hobby Airport Radar Service Area, Texas .....	2120-AD04
2347	Operations Over the High Seas and Within the North Atlantic Minimum Navigation Performance Specification Airspace.....	2120-AD59
2348	Terminal Airspace Review.....	2120-AE18
2349	Airport Signs.....	2120-AE37
2350	Special Federal Aviation Regulation (SFAR) No. 50-2: Special Flight Rules in the Vicinity of the Grand Canyon National Park.....	2120-AE66
2351	Special Federal Aviation Regulation No. 38; Certification and Operating Requirements.....	2120-AE75

+ Designates significant regulation.

Federal Highway Administration—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
2352	Truck Size and Weight; Dromedary Boxes Carrying Explosives.....	2125-AC61
2353	Parts and Accessories for Safe Operation: Intermodal Cargo Containers.....	2125-AC74

Federal Highway Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2354	+ Commercial Driver's License Standards; Biometric Identifier .....	2125-AC24
2355	+ Simplifying Revisions and Weight Threshold Adjustments to the Federal Motor Carrier Safety Regulations.....	2125-AC27
2356	+ Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking.....	2125-AC28
2357	+ Qualification of Drivers; Vision.....	2125-AC62
2358	+ Federal Motor Carrier Safety Regulations; General Transportation of Hazardous Materials .....	2125-AC78
2359	+ Transportation of Hazardous Materials; Highway Routing .....	2125-AC80
2360	+ Qualifications of Drivers; Controlled Substances Testing, Recordkeeping, and Reporting Requirements .....	2125-AC81
2361	+ Controlled Substances and Alcohol Testing.....	2125-AC85
2362	+ Speed Limit Compliance and Enforcement Requirements.....	2125-AC87
2363	+ Statewide Planning.....	2125-AC94
2364	+ Metropolitan Planning .....	2125-AC95
2365	+ Management Systems .....	2125-AC97
2366	+ Hours of Service of Drivers; On-Duty Time.....	2125-AD04
2367	Construction Contract Equal Opportunity Compliance Procedures.....	2125-AB15
2368	Acquisition of Real Property for Rights-of-Way .....	2125-AC17
2369	Truck Length and Width Exclusive Devices.....	2125-AC30
2370	State Compliance with CDL Program Requirements .....	2125-AC53
2371	Certification of Size and Weight Enforcement.....	2125-AC60
2372	Qualification of Drivers; Medical Examination Form.....	2125-AC63
2373	Truck Size & Weight; Maxi-Cube Vehicles .....	2125-AC65
2374	National Standards for Traffic Control Devices; Manual of Uniform Traffic Control Devices; Work Zone Traffic Control Standards Revision; Revised Format.....	2125-AC83
2375	Design Standards for Highways; Requirements for Roadside Barriers and Safety Appurtenances .....	2125-AC84
2376	Weight and Length Limitations—Longer Combination Vehicles.....	2125-AC86
2377	Administration of Negotiated Contracts.....	2125-AC88
2378	Training of Entry-Level Drivers of Commercial Motor Vehicles .....	2125-AC91
2379	Longer Combination Vehicles—Driver Training .....	2125-AC92



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## Federal Highway Administration—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
2380	Violations of Out-of-Service Orders—CDL Disqualifications .....	2125-AC93
2381	Administration of Engineering and Design-Related Service Contracts; Private Sector Involvement Program .....	2125-AD03

+ Designates significant regulation.

## Federal Highway Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2382	+ Private Motor Carrier of Passengers .....	2125-AB62
2383	+ Safety Fitness Procedures; Safety Ratings .....	2125-AC71
2384	+ Radar Detectors in Commercial Motor Vehicles .....	2125-AC79
2385	+ Manual of Uniform Traffic Control Devices .....	2125-AC89
2386	+ Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs .....	2125-AD02
2387	Qualification of Drivers; Diabetes .....	2125-AB91
2388	Public Availability of Information; Freedom of Information Act Regulations; Technical Amendments .....	2125-AC20
2389	Design Standards for Highways; AASHTO Publication; Geometric Design of Highways and Streets .....	2125-AC22
2390	Design Standards for Highways; Interstate System .....	2125-AC34
2391	Inspection, Repair and Maintenance; Periodic Inspections .....	2125-AC47
2392	Notification and Reporting of Accidents .....	2125-AC48
2393	Parts and Accessories Necessary for Safe Operation; Front Wheel Brakes on Mexican Commercial Motor Vehicles .....	2125-AC49
2394	Commercial Driver Instruction Permits .....	2125-AC54
2395	Truck Size and Weight; Beverage Semitrailers .....	2125-AC57
2396	Centralization of Formal Hearing Dockets (FHWA) .....	2125-AC59
2397	Federal Motor Carrier Safety Regulations; General; Emergency Relief .....	2125-AC67
2398	Reimbursement; Temporary Matching Fund Waiver .....	2125-AC96
2399	Transportation of Hazardous Materials; Preemption Determination .....	2125-AD00
2400	National Bridge Inspection Standards; Frequency of Inspection .....	2125-AD01

+ Designates significant regulation.

## Federal Highway Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2401	+ Controlled Substances Testing; Delay of Implementation Dates .....	2125-AC50
2402	+ Commercial Motor Carrier Safety Assistance Program .....	2125-AC90
2403	+ Removal of Nonconforming Signs .....	2125-AC99
2404	Compatibility of State Safety Requirements Affecting Interstate Commercial Motor Vehicles .....	2125-AC11
2405	Parts and Accessories for Safe Operation; Emergency Warning Devices .....	2125-AC26
2406	Qualification of Drivers; Written Examinations .....	2125-AC42
2407	Qualification of Drivers; Tow-Truck Operators .....	2125-AC43
2408	Qualification of Drivers; Medical Examination .....	2125-AC44
2409	Hours of Service of Drivers; Exception for Emergency Relief Situations .....	2125-AC66
2410	Highway Bridge Replacement and Rehabilitation Program .....	2125-AC73
2411	Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally Assisted Programs .....	2125-AC75
2412	Commercial Motor Carrier Safety Assistance Program; Verification .....	2125-AC76
2413	Commercial Driver's License; Reciprocity with Mexico .....	2125-AC98
2414	Manual on Uniform Traffic Control Devices .....	2125-AA37

+ Designates significant regulation.



DOT

## National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2415	+ Review: Passenger Car Front Seat Occupant Protection (Federal Motor Vehicle Safety Standard No. 208) .....	2127-AD82
2416	+ Passenger Car Brake Performance .....	2127-AE47
2417	Review: Lamps, Reflective Devices, and Associated Equipment .....	2127-AB76
2418	Review: Glass-Plastic Windshields .....	2127-AD29
2419	Brake Lining .....	2127-AC66
2420	Standard 105; Hydraulic Brake .....	2127-AC94
2421	Seating Systems Test Procedure .....	2127-AD09
2422	Tire Labeling, FMVSS 109, 110, 117, 119, 120; Parts 569, 574, 575 .....	2127-AD28
2423	Truck Voltage for Exterior Lighting .....	2127-AD40
2424	Rulemaking to Delete "Due Care" Provisions from the Occupant Crash Protection Standard .....	2127-AD54
2425	Brake Hoses and Fluids .....	2127-AD70
2426	Vehicles Equipped with Long-Stroke Brake Chambers .....	2127-AE54
2427	Radiator Safety Cap .....	2127-AE59
2428	Controlled Motion of Child Restraint Systems .....	2127-AE60

+ Designates significant regulation.

## National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2429	+ Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems) .....	2127-AA00
2430	+ Flammability of Interior Materials - School Buses .....	2127-AA44
2431	+ Cars and Light Trucks: Padding A-Pillars, Side Rail, etc .....	2127-AB85
2432	+ Rollover .....	2127-AC64
2433	+ Roof Crush Resistance .....	2127-AD13
2434	+ Compressed Natural Gas (CNG) and Propane .....	2127-AD48
2435	+ Wheelchair Lifts .....	2127-AD50
2436	+ Side Impact Protection: Anthropomorphic Alternate Test Dummies (BIO SID and EUROSID) .....	2127-AD73
2437	+ Electric Vehicle Safety .....	2127-AE29
2438	+ Light Truck Average Fuel Economy Standards for Model Years Beyond 1994 .....	2127-AE42
2439	+ Mandating Air Bags .....	2127-AE46
2440	+ Dynamic Testing of Light Trucks and Vans for Side Impact .....	2127-AE49
2441	+ Passenger Automobile Average Fuel Economy Standards for MY 1990 .....	2127-AE51
2442	Procedures for Considering Environmental Impacts .....	2127-AB79
2443	Emergency Locking Retractors .....	2127-AC57
2444	Fuel Spillage .....	2127-AC62
2445	Air Brake Systems, Stopping-Distance Performance .....	2127-AD07
2446	Seating Systems Performance .....	2127-AD08
2447	Enforcement of the National Traffic and Motor Vehicle Safety Act .....	2127-AD83
2448	Exclusive Use of Hybrid III Test Dummy in Compliance Testing .....	2127-AE19
2449	Stopping Distance Performance Requirements .....	2127-AE21
2450	Emergency Exit Requirements for Non-School Buses .....	2127-AE25
2451	Head Injury Criterion and Use of Neck Injury Criterion .....	2127-AE34
2452	Optical Coatings and Heat Degradations .....	2127-AE38
2453	Child Booster Seats .....	2127-AE39
2454	Vehicle ID Content Requirements .....	2127-AE40
2455	Dynamic Crash Test Requirements to Accommodate Individuals With Disabilities .....	2127-AE44
2456	Safety Belt Design .....	2127-AE48
2457	Certification of Speed Limit Enforcement .....	2127-AE52
2458	Label Requirements for Air Bag-Equipped Vehicles .....	2127-AE53
2459	Dimensions of Bead Unseating Test Fixture .....	2127-AE55
2460	Replaceable Light Source .....	2127-AE57
2461	Referee Material .....	2127-AE58
2462	Consumer Information Regulation - Vehicle Stopping Distance .....	2127-AE61
2463	Bus Window Emergency Exit .....	2127-AE62

+ Designates significant regulation.



DOT

National Highway Traffic Safety Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2464	+ Crashworthiness Ratings.....	2127-AA03
2465	+ Commercial Vehicle Conspicuity.....	2127-AA12
2466	+ Lighting Simplification—Potential Amendments on Long-Term Issues.....	2127-AB87
2467	+ Truck Rear Underride Protection.....	2127-AA43
2468	+ School Bus Body Joint Strength.....	2127-AC19
2469	+ Side-Impact Protection—Light Trucks, Vans, and Multipurpose Passenger Vehicles.....	2127-AC43
2470	+ Film Transmittance of Glazing Materials.....	2127-AC85
2471	+ Bus Window Retention and Release - Upgrade for School Buses.....	2127-AC88
2472	+ Rearview Mirrors for School Buses.....	2127-AD24
2473	+ Alcohol Fuels.....	2127-AD47
2474	+ Wheelchair Securement Devices.....	2127-AD51
2475	Proposed New Standard 135; Passenger-Car Brake System.....	2127-AA13
2476	Child Restraint Systems for Newborn and Very Small Children.....	2127-AC87
2477	Importation of Motor Vehicles and Equipment Subject to Federal Safety, Bumper, and Theft Prevention Standards.....	2127-AD00
2478	Automatic Brake Adjusters for Heavy Duty Vehicles.....	2127-AD34
2479	"Lock" Child Safety Systems.....	2127-AD39
2480	State Highway Safety Programs.....	2127-AD55
2481	Issuance, Amendment, and Revocation of Rules: Procedural Regulations.....	2127-AD78
2482	Daytime Running Lamps as an Option.....	2127-AD84
2483	Impact Protection for the Driver From the Steering Control System.....	2127-AD87
2484	Vehicle-Based Roadway Illumination Performance Requirements - Replaceable Light Source.....	2127-AE07
2485	Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars.....	2127-AE09
2486	Windshield Wiping and Washing Systems Definitions: Seating Reference Point.....	2127-AE11
2487	Adjustment Procedure for Burnish and Recovery.....	2127-AE15
2488	Insurance Cost Information.....	2127-AE18
2489	Seat Adjustment Position.....	2127-AE22
2490	Certification Requirements of Multistage Vehicles.....	2127-AE27
2491	Built-in Child Restraints.....	2127-AE28
2492	Motorcycle Turn Signal Lamp Spacing Requirement.....	2127-AE35
2493	Allow Optical Designations.....	2127-AE36
2494	New Replaceable Headlamp Bulb (Type H-7).....	2127-AE37
2495	Wheel Nuts, Wheel Discs, and Hub Caps.....	2127-AE41
2496	Penalty Provisions Under 23 USC 153.....	2127-AE50
2497	Test for Brake Hose Tubing Assemblies.....	2127-AE56

+ Designates significant regulation.

National Highway Traffic Safety Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2498	+ Child Safety Seat Registration.....	2127-AD46
2499	+ Drug Offender's License Suspension Certification.....	2127-AE10
2500	+ Side Door Strength.....	2127-AE32
2501	Air-Brake Systems, Supplemental Connector.....	2127-AC80
2502	Pedestrian Head-Protection Standard.....	2127-AC90
2503	Air-Brake Systems; Pneumatic Timing Requirements.....	2127-AD27
2504	Child Restraint Warning Labels.....	2127-AD45
2505	Create A New Category, AS-15B - Tempered Glass-Plastic.....	2127-AD75
2506	Headlighting System; Combinations.....	2127-AD98
2507	Power-Operated Windows.....	2127-AE14
2508	Insurer Reporting Requirements; List of Insurers Required to File Reports.....	2127-AE23
2509	School Bus Pedestrian Safety Devices.....	2127-AE33
2510	Clamping of Glass-Plastic Glazing.....	2127-AE45

+ Designates significant regulation.



## DOT

## Federal Railroad Administration—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
2511	+ Special Safety Inquiry; Railroad Reporting Requirements.....	2130-AA56
2512	+ Whistle Bans at Highway-Rail Grade Crossings.....	2130-AA71
2513	+ Power Brake Regulations; Miscellaneous Revisions .....	2130-AA73
2514	+ Track Safety Standards.....	2130-AA75

+ Designates significant regulation.

## Federal Railroad Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2515	+ Railroad Accident Reporting .....	2130-AA58
2516	+ Alcohol/Drug Regulations; Miscellaneous Technical Amendments and Corrections.....	2130-AA63
2517	+ Annual Reporting Requirements; Amendments to Alcohol/Drug Regulations .....	2130-AA64
2518	+ Freight Car Safety Standards: Maintenance-of-Way Equipment.....	2130-AA68
2519	+ Railroad Police Officers.....	2130-AA69
2520	+ Timely Response to Grade Crossing and Signal System Malfunctions.....	2130-AA70
2521	+ Control of Alcohol and Drug Use .....	2130-AA72
2522	+ Qualification and Certification of Locomotive Engineers.....	2130-AA74
2523	+ Railroad Operating Rules and Radio Standards and Procedures.....	2130-AA76
2524	+ Protection of Utility Employees.....	2130-AA77
2525	Merger and Consolidation Procedures.....	2130-AA78
2526	Regional Local Rail Services Assistance .....	2130-AA79

+ Designates significant regulation.

## Federal Railroad Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2527	+ Event Recorders.....	2130-AA53
2528	Centralization of Formal Hearing Dockets (FRA).....	2130-AA59
2529	Local Rail Freight Assistance to States.....	2130-AA60

+ Designates significant regulation.

## Federal Railroad Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2530	+ Alcohol/Drug Regulations: Postponement of International Application.....	2130-AA43
2531	+ Railroad Workplace Safety; Bridge-Worker Safety Standards.....	2130-AA48
2532	+ Railroad User Fees .....	2130-AA62
2533	Revision of State Safety Participation Regulations .....	2130-AA65

+ Designates significant regulation.

## Federal Transit Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2534	+ Control of Drug Use in the Mass Transportation Industry.....	2132-AA37
2535	+ Control of Alcohol Misuse in the Mass Transportation Industry.....	2132-AA38



## DOT

## Federal Transit Administration—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
2536	+ State Responsibility for Fixed Guideway System Safety .....	2132-AA39
2537	+ Charter Services .....	2132-AA40
2538	+ Metropolitan Planning .....	2132-AA44
2539	Leasing Section 16 Vehicles .....	2132-AA41
2540	Transportation for the Elderly and Persons With Disabilities .....	2132-AA46

+ Designates significant regulation.

## Federal Transit Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2541	+ Major Capital Investment Projects .....	2132-AA34
2542	+ Bus Testing .....	2132-AA30
2543	Uniform System of Accounts and Records and Reporting System .....	2132-AA36
2544	Buy America .....	2132-AA42
2545	Major Capital Investment Projects (Environmental) .....	2132-AA43

+ Designates significant regulation.

## Research and Special Programs Administration—Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
2548	Consolidation of Specifications for High-Pressure Seamless Cylinders and Rewrite of 49 CFR 173.34 .....	2137-AA92
2547	Modernizing the Passenger Origin-Destination Survey .....	2137-AB92

## Research and Special Programs Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2548	+ Safeguarding Food From Contamination During Transportation .....	2137-AC00
2549	+ Hazardous Materials in Intrastate Commerce .....	2137-AB37
2550	+ Qualification of Pipeline Personnel .....	2137-AB38
2551	+ Maps and Records of Pipeline Location and Characteristics; Notification of State Agencies; Pipe Inventory .....	2137-AB48
2552	+ Improvements to Hazardous Materials Identification Systems .....	2137-AB75
2553	+ Amendments to the DOT Airline On-Time Disclosure Rule .....	2137-AB94
2554	+ Drug Testing: Standardized Data Collection .....	2137-AB95
2555	+ Excess Flow Valves in Service Lines .....	2137-AB97
2556	+ Electronic Filing of Cargo and Passenger Tariffs .....	2137-AC18
2557	+ Alcohol Testing Program .....	2137-AC21
2558	+ Regulatory Review: Gas Pipeline Safety Standards .....	2137-AC25
2559	+ Oil and Hazardous Substances: Spill Prevention, Containment, and Response Plans .....	2137-AC31
2560	Review of Commuter Air Traffic and Market Data Reporting .....	2137-AB18
2561	Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Detection Flaws, and Other Defects of Tank Car Tanks .....	2137-AB40
2562	DOT 3AL Aluminum Cylinders; Safety Problems .....	2137-AB51
2563	Passage of Internal Inspection Devices .....	2137-AB71
2564	Transportation of a Hazardous Liquid at 20 Percent or Less of Specified Minimum Yield Strength .....	2137-AB86
2565	Crash Worthiness Protection Requirements for Tank Cars .....	2137-AB89
2566	Distribution System Definitions .....	2137-AC02
2567	Updating Confidentiality Rules for International Passenger Origin-Destination Survey Data and Service Segment Data .....	2137-AC07
2568	Confidentiality of Aircraft Inventory Data .....	2137-AC08
2569	Design and Construction of Welded Breakout Tanks .....	2137-AC11



DOT

## Research and Special Programs Administration—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
2570	Intermediate Bulk Containers for Hazardous Materials .....	2137-AC23
2571	Tank Cars and Cargo Tank Motor Vehicles: Attendance Requirements.....	2137-AC24
2572	Use of Cargo Tanks, Portable Tanks, and Multi-Unit Tank Car Tanks in TOFC/COFC Service .....	2137-AC26
2573	Regulatory Review: Hazardous Liquid Pipeline Safety Standards.....	2137-AC27
2574	Regulatory Review: Gas Pipeline Reporting Requirements .....	2137-AC28
2575	Regulatory Review: Liquefied Natural Gas Facilities .....	2137-AC29

+ Designates significant regulation.

## Research and Special Programs Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2576	+ Hydrostatic Testing of Certain Hazardous Liquid Pipelines.....	2137-AB46
2577	+ Gas Gathering Line Definition.....	2137-AB15
2578	+ Operation and Maintenance Procedures for Pipelines .....	2137-AB44
2579	+ Excavation Damage Prevention Programs for Gas and Hazardous Liquid Pipelines .....	2137-AB47
2580	+ Marine Pollutants.....	2137-AC16
2581	+ Response Plans for Onshore Oil Pipelines .....	2137-AC30
2582	Transportation of Hazardous Materials; Miscellaneous Amendments.....	2137-AA44
2583	Quantity Limitations Aboard Aircraft.....	2137-AA85
2584	Enforcement of Motor Carrier Financial Responsibility Requirements .....	2137-AB35
2585	Gas Detection and Monitoring in Compressor Station Buildings.....	2137-AB49
2586	Determining the Extent of Corrosion on Exposed Gas Pipelines.....	2137-AB50
2587	Transportation Regulations; Compatibility with the International Atomic Energy Agency .....	2137-AB60
2588	Transportation of Hydrogen Sulfide by Pipeline .....	2137-AB63
2589	Leakage Surveys .....	2137-AB64
2590	Centralization of Formal Hearing Dockets (RSPA).....	2137-AB91
2591	Implementation of the ICAO Technical Instructions.....	2137-AB99
2592	Allocation Formula for State Grants.....	2137-AC12
2593	Incorporation by Reference of Voluntary Standards.....	2137-AC13
2594	Nomenclature Changes in Rules.....	2137-AC19

+ Designates significant regulation.

## Research and Special Programs Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2595	+ Training for Hazardous Materials Transportation .....	2137-AB26
2596	+ Registration of Shippers and Carriers of Hazardous Materials.....	2137-AB43
2597	+ Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations.....	2137-AC05
2598	Odorization of LP Gas.....	2137-AA25
2599	Gas Pipelines Operating Above 72 Percent of Specified Minimum Yield Strength.....	2137-AB53
2600	Revision of Operating Requirements for Rail Carriage.....	2137-AB55
2601	Alternative Weld Defect Acceptance Criteria.....	2137-AC03
2602	Petroleum Gas Systems .....	2137-AC04
2603	Amendments to the Hazardous Materials Program Procedures .....	2137-AC06
2604	Public Sector Emergency Response Planning and Training Grants .....	2137-AC09
2605	Temperature Limits for Plastic Gas Pipelines.....	2137-AC20

+ Designates significant regulation.



DOT

Maritime Administration—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2606	+ Cargo Preference—U.S.-Flag Vessels; Uniform Contracting Requirements for Federal Program Participants.....	2133-AA95
2607	+ Determination of Fair and Reasonable Guideline Rates for the Carriage of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Vessels .....	2133-AA98
2608	Values for War Risk Insurance; Review of War Risk Insurance Valuation Methodology .....	2133-AA89
2609	Agency Agreements and Appointment of Agents .....	2133-AA91

+ Designates significant regulation.

Maritime Administration—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2610	Centralization of Formal Hearing Dockets (MARAD) .....	2133-AA84
2611	Priority Use and Allocation of Shipping Services, Containers, Chassis, and Port Facilities and Services for National Security and National Defense Related Operations.....	2133-AA85
2612	Merchant Marine Training.....	2133-AA94
2613	Operating-Differential Subsidy (ODS) on Bulk Cargo Vessels; Calculation of Maintenance and Repair Subsidy Rates.....	2133-AA99
2614	Foreign Transfer of Documented Vessels.....	2133-AB00

Maritime Administration—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2615	+ Regulated Transactions Involving Documented Vessels and Other Maritime Interests.....	2133-AA79
2616	+ Determination of Fair and Reasonable Guideline Rates for Less Than Shipload Lots of Bulk Preference Cargoes Carried on U.S.-Flag Liner Vessels .....	2133-AA87
2617	Administering Maintenance and Repair Subsidy; Audit Requirements and Procedures.....	2133-AA96
2618	Obligation Guarantees .....	2133-AA97

+ Designates significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT)  
Office of the Secretary (OST)

Prerule Stage

2079. + ANTIDRUG PROGRAMS FOR DEPARTMENT OF TRANSPORTATION CONTRACTORS

Significance: Agency Priority

Legal Authority: 49 USC 322; 40 USC 486(c)

CFR Citation: 48 CFR 1226.7001; 48 CFR 1252.226-70; 48 CFR 34; 48 CFR 1.301

Legal Deadline: None

Abstract: Consistent with DOT antidrug initiatives for DOT employees and employees of regulated industries, DOT

was considering requiring its contractors to establish antidrug programs (including drug testing and employee assistance programs) for employees performing safety-sensitive or security functions under DOT contracts. Although initially considered significant because of substantial public interest, the Department is considering withdrawing this rulemaking. Uniform, government-wide regulations to deter drug use among contractor employees have been issued to implement the Drug-Free Workplace Act.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW.,



DOT-OST

Prerule Stage

Room 10424, Washington, DC 20590, 202 366-9306

RIN: 2105-AB40

**2080. 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
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** The petition is filed in Docket 41217.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AA73

**2081. 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. The petition is under consideration.

**Timetable:**

Action	Date	FR Cite
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Petition for Rulemaking (Dkt 43147)	05/22/85	
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Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB25

**2082. TRANSPORTATION ACQUISITION REGULATIONS; REWRITE**

**Significance:** Nonsignificant

**Legal Authority:** 40 USC 486C

**CFR Citation:** 48 CFR 1200 et seq

**Legal Deadline:** None

**Abstract:** The Department is rewriting 48 CFR chapter 12 in light of recent changes in the Federal Acquisition Regulations.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** Because of this expanded project, the entry under RIN 2105-AB54, which proposed only limited revision, will be withdrawn.

**Agency Contact:** Diane Litman, Chief, Acquisition Policy, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4271

RIN: 2105-AB75

**DEPARTMENT OF TRANSPORTATION (DOT)**

Proposed Rule Stage

**Office of the Secretary (OST)**

**2083. + COMMERCIAL SPACE TRANSPORTATION: FINANCIAL RESPONSIBILITY REQUIREMENTS FOR LICENSED LAUNCH ACTIVITIES**

**Significance:** Regulatory Program

**Legal Authority:** PL 98-575; PL 100-656, Sec 15(c) to 16 Commercial Space Launch Act

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** Persons authorized to conduct commercial launch activities by a license issued by the Office of

Commercial Space Transportation (OCST) are required to obtain insurance or demonstrate financial responsibility, in amounts and on terms prescribed by OCST, to protect against third-party or government property damage claims resulting from the licensed activities. Licensees and other launch participants are also required to enter into reciprocal waivers of claims arising out of licensed activities. In addition, persons engaged in commercial launch operations must provide proof of financial responsibility, or offer other assurances, adequate to

protect the government when its property or personnel are involved in such operations. This rulemaking codifies the procedures by which OCST sets appropriate levels and terms of insurance and financial responsibility required to be carried by persons subject to its authority. This action is significant because of substantial public interest.



DOT-OST

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM	07/08/85	50 FR 19280
Comment Period End		
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Analysis:** Regulatory Evaluation  
12/00/92**Additional Information:** The rulemaking entitled Commercial Space Transportation: Reciprocal Waiver of Claims, RIN 2105-AB76, has been consolidated into this rulemaking.**Agency Contact:** Elaine David, Attorney Advisor, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9305**RIN:** 2105-AA26**2084. + ANTI-ALCOHOL PROGRAM FOR THE TRANSPORTATION INDUSTRY****Significance:** Regulatory Program**Legal Authority:** 49 USC 1657; The Omnibus Transportation Employee Testing Act of 1991**CFR Citation:** Not yet determined**Legal Deadline:** Final, Statutory, October 28, 1992.**Abstract:** The Omnibus Transportation Employee Testing Act of 1991 directs the Secretary of Transportation to prescribe regulations establishing an alcohol and drug testing program for sensitive safety-related employees in several transportation industries within 12 months. This rule would respond to the hazards of alcohol use and abuse in transportation and is considered significant because of important departmental policy and substantial public interest.**Timetable:**

Action	Date	FR Cite
ANPRM	11/02/89	54 FR 46326
ANPRM	01/31/90	
Comment Period End		
ANPRM	02/20/90	55 FR 5856
Comment Period Extended to		
	03/09/90	

Action	Date	FR Cite
Public Meeting Notice Request for Information	11/08/91	56 FR 57480
NPRM	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation  
10/00/92**Agency Contact:** Gwyneth Radloff, Attorney, Office of Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9305**RIN:** 2105-AB52**2085. + PROPOSED POLICY ON PEAK PERIOD PRICING OF AIRPORT LANDING FEES****Significance:** Regulatory Program**Legal Authority:** 49 USC 1301 et seq**CFR Citation:** 14 CFR 399**Legal Deadline:** None**Abstract:** The Department proposes to establish a set of guidelines to encourage the voluntary development of peak and off-peak pricing systems for airport landing fees at congested U.S. airports. The guidelines would provide economic incentives to promote more efficient use of existing airport facilities, which would reduce congestion and delays. This rulemaking is significant because of substantial public interest.**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Local, State**Additional Information:** Additional contact: Nancy Kessler, 202 366-9167.**Agency Contact:** Gwyneth Radloff, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9305**RIN:** 2105-AB63**2086. + LICENSING COMMERCIAL SPACE LAUNCH ACTIVITIES****Significance:** Regulatory Program**Legal Authority:** 49 USC app 2601 to 2623**CFR Citation:** 14 CFR 400 to 415**Legal Deadline:** None**Abstract:** The Commercial Space Launch Act of 1984, as amended, grants the Department of Transportation's Office of Commercial Space Transportation authority to license and otherwise regulate commercial launches and the commercial operation of launch sites. The Office must ensure that commercial space launch activities are conducted in a manner that does not jeopardize public health and safety, and the safety of property without, however, imposing unnecessary regulatory burdens on the commercial launch industry. The industry has grown in size and complexity since the original regulations were published in 1988, and the Office's licensing program continues to evolve to reflect these changes. This rulemaking would modify the current regulations to reflect a streamlined and more mature licensing regime developed over the past few years. Such changes would benefit the industry by reducing regulatory burdens, thus reducing costs.

This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Analysis:** Regulatory Impact Analysis; Regulatory Evaluation 12/00/92**Agency Contact:** Norman C. Bowles, Assoc. Dir., Licensing and Safety Division, Office of Commercial Space Transportation, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-2929**RIN:** 2105-AB85**2087. + MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)****Significance:** Agency Priority**Legal Authority:** 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC



DOT—OST

Proposed Rule Stage

1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f); PL 100-17, Sec 106(c)

**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. Section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) extended and modified the program as applied to FHWA and UMTA; similar legislation applied the same requirements to the FAA. The Department issued a final rule to make the STURAA changes in October 1987; a similar rule for FAA programs was published in May 1988. The Department intends subsequently to issue an NPRM that would propose further changes in the regulation.

**Timetable:**

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM Interim Amdt. to Final Rule, Pending Revision of Entire Rule	03/12/81	46 FR 16282
Final Action for Interim Amendment	04/27/81	46 FR 23457
Interim Final Rule	10/21/87	52 FR 39225
NPRM	12/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State, Federal

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 10/21/87 (52 FR 39225)

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AA04

**2088. + NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL (AIR CARRIER ACCESS ACT)**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1374(a); 49 USC 1374(c)

**CFR Citation:** 14 CFR 382

**Legal Deadline:** None

**Abstract:** An ANPRM requested comments on lifts and other boarding equipment for use in regional and commuter aircraft and air taxis, and accessible lavatories for narrowbody and smaller aircraft. It also sought comments on additional accommodations for hearing-impaired persons. This rulemaking is significant because of substantial public interest. An Advisory Committee has been established to determine a feasible specification for accessible lavatories in narrow-body airplanes.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/06/90	55 FR 8078
ANPRM Comment Period Extended to 07/20/90	06/08/90	55 FR 23450
ANPRM Comment Period End	07/05/90	
Workshop Meeting Schedule	06/04/92	57 FR 23555
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** ADDITIONAL CONTACT: Ira Laster, (202) 366-4859. The telephone number for TDD is (202) 755-7687.

Advisory committee meetings were held 07/29/92-07/30/92.

**Agency Contact:** Donald Trilling, Director, Office of Transportation Regulatory Affairs, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4220

**RIN:** 2105-AB60

**2089. + PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322

**CFR Citation:** 49 CFR 40

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the drug-testing procedures of 49 CFR 40 to conform to the Hollings/Danforth drug-testing provisions in the DOT Appropriations Act for FY 1992. The SNPRM would also propose technical changes in the procedures to improve administration of the drug-testing program. Comments to the earlier NPRM on reporting of negative tests (55 FR 28782, 07/13/90) would also be addressed in the SNPRM. This action is significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/90	55 FR 28782
NPRM Comment Period End	08/13/90	
SNPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/13/90 (55 FR 28782)

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB71

**2090. + PASSENGER MANIFEST INFORMATION**

**Significance:** Agency Priority

**Legal Authority:** 49 USC app. 1380; PL 101-604, sec 203

**CFR Citation:** 14 CFR 243

**Legal Deadline:** Final, Statutory, March 16, 1991.

**Abstract:** PL 101-604, enacted November 16, 1990, mandates that the Secretary of Transportation require all U.S. airlines to comply with a Passenger Manifest Collection Regulation for international flights. The Department of Transportation is therefore soliciting comments and suggestions from the public on the most cost-effective methods of facilitating the collection of the required information. This rulemaking is considered significant because of substantial public interest and the congressional mandate



DOT—OST

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	01/31/91	56 FR 3810
ANPRM	02/12/91	56 FR 5665
Correction		
ANPRM	02/19/91	
Comment		
Period End		
NPRM	10/00/92	

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Additional Information:** This entry was formerly titled Aviation Security: Passenger Manifest Information.**Agency Contact:** Arnold Levine, Director, Office of International Transportation and Trade, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington DC 20590, 202 366-4368**RIN:** 2105-AB78**2091. + SEISMIC SAFETY OF DOT ASSISTED OR REGULATED NEW BUILDING CONSTRUCTION****Significance:** Agency Priority**Legal Authority:** PL 95-124 Earthquake Hazards Reduction Act of 1977; 42 USC 7701 et seq; 91 Stat 1098; EO 12699**CFR Citation:** 49 CFR 41**Legal Deadline:** NPRM, Statutory, January 5, 1993.

**Abstract:** Executive Order 12699 implements certain provisions of the Earthquake Hazards Reduction Act of 1977. The Department has up to three years from the date of the Order (January 1, 1990) to demonstrate compliance for developing and implementing its own mission-appropriate and cost-effective seismic safety and hazard reduction program. For DOT, this includes the design and construction of new transportation buildings, construction and leasing of new buildings, assistance in financing through grants/loans and guarantees of newly constructed buildings, and responsibility for regulating the structural safety of new buildings. This rulemaking is significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Local, Federal**Analysis:** Regulatory Evaluation 10/00/92**Additional Information:** EO 12699 is titled "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction."**Agency Contact:** Donald Trilling, Director, Office of Transportation Regulatory Affairs, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4813**RIN:** 2105-AB79**2092. + PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS: MANAGEMENT INFORMATION SYSTEMS****Significance:** Agency Priority**Legal Authority:** 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322**CFR Citation:** 49 CFR 40**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Department-wide drug-testing procedures to require that regulated entities in each of the transportation industries submit reports on their drug-testing results on an annual basis in a standardized, uniform manner. The information is intended to provide compliance and enforcement as well as effectiveness data. Each of the Department's operating administrations will be making appropriate, conforming amendments to its drug-testing regulations. This action is significant because of substantial public interest and because it involves a number of administrations within the Department.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Agency Contact:** Douglas Lamar Allen, Jr., Program Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-3784**RIN:** 2105-AB81**2093. + ACCESSIBILITY OF PASSENGER VESSELS TO INDIVIDUALS WITH DISABILITIES****Significance:** Agency Priority**Legal Authority:** 42 USC 12101 et seq; PL 101-336 Americans With Disabilities Act**CFR Citation:** 49 CFR 37**Legal Deadline:** Final, Statutory, July 26, 1991.

**Abstract:** The Department's Americans with Disabilities Act (ADA) final rule, published September 6, 1991 (56 FR 45584), reserved portions of the rule concerning passenger vessels. The ADA covers passenger vessels, but issuing accessibility requirements for vessels involves complex issues unlike those affecting land transportation. This action will address these issues and propose feasible requirements to make passenger vessels accessible to, and usable by, individuals with disabilities. This rulemaking is considered significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 12/00/92**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306**RIN:** 2105-AB87**2094. ● + AVIATION CHARTER RULES****Significance:** Agency Priority**Legal Authority:** PL 85-726, as amended



DOT—OST

Proposed Rule Stage

**CFR Citation:** 14 CFR 207 to 208; 14 CFR 212; 14 CFR 294; 14 CFR 298; 14 CFR 380; 14 CFR 389

**Legal Deadline:** None

**Abstract:** This rule governs the activities of public charter operators, a type of indirect air carrier that sells charter air transportation to consumers, and airlines that perform the direct air transportation. DOT is proposing to amend the rule to remove unnecessary burdens on charter operators and airlines in order to foster competition and facilitate low-cost air transportation for the public while updating, restructuring, and simplifying the necessary consumer protection provisions of the rules. The NPRM will propose simplified registration and financial procedures and allow use of credit cards for payments to charter operators. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/92	57 FR 42864
NPRM Comment	10/16/92	
Period End		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/16/92 (57 FR 42864)

**Agency Contact:** C. W. McGuire, Chief, Regulatory Affairs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-1037

**RIN:** 2105-AB91

**2095. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 322(a)

**CFR Citation:** 49 CFR 18

**Legal Deadline:** None

**Abstract:** The current rule is being revised to address comments on the NPRM of 11/04/88 and Federal agency concerns on the current rule, and to update deviations from the common rule. OMB has decided not to merge into the existing rule those requirements that apply to universities, hospitals, and other nonprofit

organizations. A revised NPRM is under review by OMB.

**Timetable:**

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment	01/03/89	
Period End		
SNPRM	10/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Analysis:** Regulatory Evaluation 11/04/88 (53 FR 44716)

**Agency Contact:** Robert G. Taylor, Chief, Grants and Systems Management Division, M-62, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4289

**RIN:** 2105-AB46

**2096. IMPLEMENTATION OF AMENDMENTS TO THE EQUAL ACCESS TO JUSTICE ACT**

**Significance:** Nonsignificant

**Legal Authority:** 5 USC 504

**CFR Citation:** 49 CFR 6; 48 CFR 6301; 14 CFR 14

**Legal Deadline:** None

**Abstract:** This action would incorporate the latest amendments to the Equal Access to Justice Act (EAJA or "Act"), 5 USC 504, into OST's EAJA regulations, 49 CFR 6. The EAJA provides for the award of attorneys' fees and other expenses to eligible individuals and entities who prevail over the Government in administrative proceedings, unless the position of the Government was substantially justified. The latest amendment made certain technical and substantive amendments to the EAJA, as well as made the Act, as so amended, permanent. This rulemaking is undertaken at the Department's initiative in response to the statutory changes in the EAJA.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB73

**2097. ● RULES OF CONDUCT IN DOT PROCEEDINGS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1324; 49 USC 1371 to 1389; 49 USC 1471; 49 USC 1473; 49 USC 1481 to 1482; 49 USC 1487; 18 USC 20(b) - 20(c); 49 USC Subtitle I

**CFR Citation:** 14 CFR 300

**Legal Deadline:** None

**Abstract:** This rulemaking would permit DOT staff to communicate informally with applicants and any objectors in air carrier initial and continuing fitness cases until a show-cause or other order instituting a formal proceeding was issued, at which time the current DOT restrictions on ex parte communications would apply.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Patricia T. Szrom, Chief, Air Carrier Fitness Division, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9721

**RIN:** 2105-AB89

**2098. ● STANDARD TIME ZONE BOUNDARY IN THE STATE OF NORTH DAKOTA: PROPOSED RELOCATION**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 260 to 264

**CFR Citation:** 49 CFR 71

**Legal Deadline:** None

**Abstract:** The County Commissioners of Oliver County, ND, have petitioned to move the county from mountain to central time. This action has proposed to do so.



DOT—OST

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/92	57 FR 29270
NPRM Comment Period End	08/31/92	
Next Action Undetermined		

**Small Entities Affected:** None**Government Levels Affected:** None

**Additional Information:** The NPRM also announced a public hearing in Center, ND, for 08/04/92, which was tape recorded for inclusion in the docket.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB90

**DEPARTMENT OF TRANSPORTATION (DOT)**

Final Rule Stage

**Office of the Secretary (OST)****2099. + NEW RESTRICTIONS ON LOBBYING****Significance:** Regulatory Program**Legal Authority:** 49 USC 322(a); 31 USC 1352**CFR Citation:** 49 CFR 20**Legal Deadline:** Final, Statutory, March 22, 1990.

**Abstract:** This regulation will implement the provisions of a new section 1352 to title 31, United States Code, that prohibits the use of appropriated funds to influence certain Federal contracting and financial transactions. Organizations that use their own funds to pay for lobbying activities are required to disclose such activity. The rule will be issued as a common rule based on guidance issued by the Office of Management and Budget on December 20, 1989, 54 FR 52305. Final action is awaiting OMB resolution of comments received on the interim final rule and possible changes to legislation restricting lobbying activities.

This action is considered significant because it involves governmentwide agencies or departments.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Comment Period End	04/27/90	

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Local, State**Analysis:** Regulatory Evaluation 00/00/00**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a

paperwork burden associated with this action.

**Additional Information:** OMB has control of development of the final rule.

**Agency Contact:** Robert G. Taylor, Chief, Grants and Systems Management Division, Department of Transportation, Office of the Secretary, Office of Acquisition and Grant Management, Rm. 9401, M-62, Washington, DC 20590, 202 366-4289

RIN: 2105-AB57

**2100. + STATEMENT OF ENFORCEMENT POLICY ON REBATING****Significance:** Agency Priority

**Legal Authority:** 5 USC 601; 49 USC 1301 to 1302; 49 USC 1305; 49 USC 1324(a); 49 USC 1371 to 1379; 49 USC 1381 to 1382; 49 USC 1384; 49 USC 1388; 49 USC 1461; 49 USC 1481 to 1482; 49 USC 1502; 49 USC 1504

**CFR Citation:** 14 CFR 399.80; 14 CFR 399.85**Legal Deadline:** None

**Abstract:** The Department is proposing to provide formal notice to the public of its enforcement policy concerning the rebating of international air fares by adopting that policy as a Policy Statement in the regulations. No change in the substance of that policy is intended. The Department also proposes to revoke an existing Policy Statement on the advertising of rebates that is contrary to DOT's current enforcement policy. The proposal responds to a request for such action by the American Society of Travel Agents. The proposed regulation is significant because it involves important departmental policies and substantial industry interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41353
NPRM Comment Period End	12/20/88	
Extension of Comment Period to	02/03/89	54 FR 5497
02/21/89		
Correction to Comment Period Document	02/10/89	54 FR 6475

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/21/88 (53 FR 41353)

**Agency Contact:** Betsy Wolf, Trial Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9342

RIN: 2105-AB39

**2101. + PRICE ADVERTISING****Significance:** Agency Priority**Legal Authority:** 49 USC 1371; 49 USC 1381**CFR Citation:** 14 CFR 380; 14 CFR 399**Legal Deadline:** None

**Abstract:** The Department is proposing to amend its rule and policy statement with respect to air transportation price advertising. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31052
Comment Period Extended to	08/23/89	54 FR 35005
9/25/89		
NPRM Comment Period End	08/25/89	



DOT—OST

Final Rule Stage

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
07/26/89 (54 FR 31052)**Agency Contact:** Steven Farbman,  
Attorney, Department of  
Transportation, Office of the Secretary,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-9307

RIN: 2105-AB50

**2102. + SMOKING ABOARD  
AIRCRAFT****Significance:** Agency Priority**Legal Authority:** 49 USC 1324; 49 USC  
1374; 49 USC 1377; 49 USC 1386; PL 101-  
164**CFR Citation:** 14 CFR 252**Legal Deadline:** NoneAlthough there is no judicial or  
statutory deadline for the Department's  
implementation, the statutory ban was  
effective 02/25/90.**Abstract:** This interim final rule  
amends the rules governing smoking  
aboard aircraft to incorporate a  
statutory ban on smoking aboard most  
U.S. flight segments. The statutory ban  
applies to both U.S. and foreign air  
carriers. This rulemaking proposed to  
clarify the current rule and make other  
minor changes. This rulemaking is  
significant because of substantial public  
interest.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/13/90	55 FR 4991
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
02/13/90 (55 FR 4991)**Additional Information:** The interim  
final rule was effective 02/25/90; the  
comments were due by 04/16/90.**Agency Contact:** Joanne Petrie,  
Attorney, Department of  
Transportation, Office of the Secretary,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-9306

RIN: 2105-AB58

**2103. + NONDISCRIMINATION ON  
THE BASIS OF HANDICAP IN AIR  
TRAVEL (AIR CARRIER ACCESS ACT)****Significance:** Agency Priority**Legal Authority:** 49 USC 1374(a); 49  
USC 1374(c)**CFR Citation:** 14 CFR 382**Legal Deadline:** None**Abstract:** An SNPRM proposed three  
additions to part 382 to implement the  
Air Carrier Access Act of 1986. The  
additions concern standards for  
boarding chairs; airport terminal  
transportation systems; and substitute  
service for persons denied the  
opportunity to fly because of  
inaccessible small aircraft. This  
rulemaking is considered significant  
because of substantial public interest.**Timetable:**

Action	Date	FR Cite
SNPRM: Final Rule Amendments: Comment Period End 06/04/90	03/06/90	55 FR 8076
Comment Period Extended to 07/20/90	06/08/90	55 FR 23450

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
03/06/90 (55 FR 8076)**Additional Information:** The telephone  
number for TDD is (202) 755-7687; a  
taped copy of the SNPRM is available  
on request.**Agency Contact:** Robert C. Ashby,  
Deputy Assistant General Counsel for  
Regulation and Enforcement,  
Department of Transportation, Office of  
the Secretary, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-9306

RIN: 2105-AB61

**2104. + NONDISCRIMINATION ON  
THE BASIS OF HANDICAP IN  
FEDERALLY ASSISTED PROGRAMS****Significance:** Agency Priority**Legal Authority:** 29 USC 794**CFR Citation:** 49 CFR 27**Legal Deadline:** None**Abstract:** This action would amend  
portions of the rule implementingSection 504 of the Rehabilitation Act of  
1973 concerning federally assisted  
airport facilities to comport with 14  
CFR 382, implementing the Air Carrier  
Access Act of 1986. The proposed rule  
would also apply the Section 504 rule to  
air carriers receiving Federal financial  
assistance under the essential air  
service program. This rulemaking is  
considered significant because of  
substantial public interest.**Timetable:**

Action	Date	FR Cite
NPRM	03/06/90	55 FR 8081
NPRM Comment Period End	06/04/90	
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
03/06/90 (55 FR 8081)**Additional Information:** The telephone  
number for TDD is (202) 755-7687; a  
taped copy of the NPRM is available on  
request.**Agency Contact:** Robert C. Ashby,  
Deputy Assistant General Counsel for  
Regulation and Enforcement,  
Department of Transportation, Office of  
the Secretary, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-9306

RIN: 2105-AB62

**2105. NONDISCRIMINATION ON THE  
BASIS OF AGE IN DOT FINANCIAL  
ASSISTANCE PROGRAMS****Significance:** Nonsignificant**Legal Authority:** PL 94-135**CFR Citation:** 29 CFR 1691**Legal Deadline:** None**Abstract:** The NPRM proposed to  
prohibit age discrimination by  
recipients of DOT financial assistance  
programs. However, it has been  
concluded that exceptions to the statute  
would result in no substantive coverage  
of DOT programs. Moreover, the  
paperwork requirements for recipients,  
without substantive coverage, would  
have been counterproductive. The  
NPRM will be withdrawn. The  
Department will consider, in light of  
any changes in DOT programs, whether  
resultant substantive coverage would  
then warrant a new rulemaking  
proceeding.



DOT—OST

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946
NPRM Comment	01/21/80	
Period End		
To Be Withdrawn	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
10/22/79 (44 FR 60946)**Agency Contact:** Joseph Austin,  
Department of Transportation, Office of  
the Secretary, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-5992**RIN:** 2105-AA09**2106. 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 action proposed to make  
direct air carriers responsible for  
returning charter passengers stranded  
by strikes or other service interruptions,  
by eliminating the force majeure clause  
from charter contracts. However, the  
CAB subsequently issued an  
interpretive rule (ER-1387, 49 FR 33436)  
which was affirmed in court. (Arrow  
Air, Inc. v. Dole, 784 F.2d 1118 (1986)).  
Therefore, this action is now moot; the  
NPRM will be withdrawn.**Timetable:**

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM Comment	09/25/80	
Period End		
Reply Comment	10/10/80	
Period End		
To Be Withdrawn	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Additional Information:** EDR 405,  
Docket 37169.**Agency Contact:** Joanne Petrie,  
Attorney, Department of  
Transportation, Office of the Secretary,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-9306**RIN:** 2105-AA40**2107. 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.**Timetable:**

Action	Date	FR Cite
NPRM	09/26/79	44 FR 55383
Final Action	04/10/80	
Adopted by the Board		
HHS Approved	07/13/84	
Final Rule with Changes		

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** SPDR-74,  
Docket 36639.**Agency Contact:** Robert Ashby, Deputy  
Assistant General Counsel for  
Regulation and Enforcement,  
Department of Transportation, Office of  
the Secretary, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-9306**RIN:** 2105-AA45**2108. POLICY STATEMENT ON  
AIRLINE PREEMPTION****Significance:** Nonsignificant**Legal Authority:** 49 USC 1305**CFR Citation:** 14 CFR 399**Legal Deadline:** None**Abstract:** This action would adopt as  
final an interim Policy Statement on  
preemption issued by the Civil  
Aeronautics Board in 1979. It discusses  
the policy of the Department with  
respect to three areas in which State  
law has been preempted by the Airline  
Deregulation Act of 1978: regulation of  
commuter air carriers and air taxis, the  
rights of airport proprietors, and general  
State authority as it directly or  
indirectly affects air transportationcompetition. The Supreme Court has  
recently ruled in favor of the  
Government's position, that section 105  
of the ADA preempts even indirect  
State regulation that "has a connection  
with or reference to" airline rates,  
routes, or services. The final Policy  
Statement will incorporate this holding.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	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	12/00/92	

**Small Entities Affected:** Businesses,  
Governmental Jurisdictions**Government Levels Affected:** State,  
Federal**Additional Information:** PS-83, Docket  
34684.**Agency Contact:** Paul Smith, Attorney,  
Department of Transportation, Office of  
the Secretary, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-9285**RIN:** 2105-AA46**2109. 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



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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	09/23/83	48 FR 43343
NPRM Comment	11/07/83	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601. Docket 41683, EDR 468/PSDR-81.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AA78

**2110. 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:** A Civil Aeronautics Board rulemaking proposed to revise and simplify the requirements and procedures for applying for exemptions under Section 416(b) of the Federal Aviation Act. This action has become unnecessary since the Department included most of its provisions in its rule transferring the CAB's rules to DOT. Therefore, the NPRM will be withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM Comment	12/04/84	
Period End		
To Be Withdrawn	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PDR-88/ODR-27/PSDR-83.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9307

**RIN:** 2105-AA82

**2111. 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	12/18/84	49 FR 49111
NPRM Comment	03/19/85	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** Docket 41690; EDR-477.

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AA84

**2112. 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	08/01/84	49 FR 30742
NPRM Comment	09/17/84	
Period End		
Reply Comment	10/02/84	
Period End		

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation

**Additional Information:** Docket 41971; EDR-474

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AA88

**2113. TRANSPORTATION ACQUISITION REGULATIONS**

**Significance:** Nonsignificant

**Legal Authority:** 40 USC 486C

**CFR Citation:** 48 CFR 1200 et seq

**Legal Deadline:** None

**Abstract:** This rule proposed changes to the Department's acquisition regulations (TAR). However, in the light of comments received, and the fact that the proposal has been overtaken by subsequent events, it will be withdrawn. Instead, the Department is rewriting chapter 12. See RIN 2105-AB75.



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**Timetable:**

Action	Date	FR Cite
NPRM	12/15/89	54 FR 51426
NPRM Comment	02/13/90	
Period End		
To Be Withdrawn	10/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Analysis:** Regulatory Evaluation 12/15/89 (54 FR 51426)

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Lawrence E. Sawler, Procurement Analyst, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4287

**RIN:** 2105-AB54

#### 2114. TESTIMONY OF EMPLOYEES OF THE DEPARTMENT AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

**Significance:** Nonsignificant

**Legal Authority:** 5 USC 301; 45 USC 41 to 42; 49 USC 322; 49 USC 504(f); 23 USC 409; 31 USC 9701

**CFR Citation:** 49 CFR 9

**Legal Deadline:** None

**Abstract:** The Department of Transportation (DOT or Department) has proposed to establish procedures that must be followed when a Department employee or former employee is requested or subpoenaed to provide testimony or produce records concerning information acquired in the course of performing official duties or because of the official status of the employee. The proposed procedures and restrictions are necessary because Department attorneys and employees currently spend a considerable amount of time responding to litigants' requests for documents or testimony, often on the same matter. This rule would ensure more efficient use of Department resources, minimize the possibility of involving the Department in controversial issues not related to its mission, maintain the impartiality of the Department among private litigants, and

enhance the Department's ability to respond to requests.

**Timetable:**

Action	Date	FR Cite
NPRM	03/17/92	57 FR 9224
NPRM Comment	05/18/92	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/17/92 (57 FR 9224)

**Agency Contact:** Steven Farbman, Attorney, Office of the General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9307

**RIN:** 2105-AB56

#### 2115. CENTRALIZATION OF FORMAL HEARING DOCKETS (OST)

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1301; 49 USC 1323 to 1324; 49 USC 1371 to 1374; 49 USC 1376; 49 USC 1382; 49 USC 1471; 49 USC 1481 to 1482; 49 USC 1485; 42 USC 4321; 39 USC 5402

**CFR Citation:** 14 CFR 302

**Legal Deadline:** None

**Abstract:** This final rule provides that all evidence and documents in formal hearing cases adjudicated within the Office of the Secretary (OST), and all of the Department of Transportation's modal administrations, except the Coast Guard and the Federal Transit Administration (FTA, formerly UMTA), will be filed and maintained in the OST Office of Documentary Services. The change is being made in order to streamline operations and to consolidate the documents used in formal hearing cases.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary,

400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB69

#### 2116. PROCEDURES AND EVIDENCE RULES FOR AIR CARRIER FITNESS PROCEEDINGS

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1371; 49 USC 1377

**CFR Citation:** 14 CFR 201 to 202; 14 CFR 204; 14 CFR 291; 14 CFR 302

**Legal Deadline:** None

**Abstract:** This rulemaking would update the filing procedures and evidentiary requirements pertinent to applicants for certificate, commuter, and domestic all-cargo air carrier authority.

**Timetable:**

Action	Date	FR Cite
NPRM	06/17/91	56 FR 27696
NPRM Comment	08/16/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Impact Analysis; Regulatory Evaluation 06/17/91 (56 FR 27696)

**Agency Contact:** Carol Woods, Transportation Analyst, Air Carrier Fitness Division, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-2340

**RIN:** 2105-AB82

#### 2117. UNFAIR COMPETITION BY COMMONLY OWNED CARRIERS IN ALASKA

**Significance:** Nonsignificant

**Legal Authority:** 39 USC 1381

**CFR Citation:** 14 CFR 399

**Legal Deadline:** None

**Abstract:** This action proposes to amend part 399 to state that it will be the Department's policy to regard it as an unfair method of competition under section 411 of the Federal Aviation Act for an individual or entity to own multiple air carriers that compete in the same city-pair market within the State of Alaska with the effect that the multiple carriers, taken together, receive a greater proportion of the mail



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tendered for transport for the United States Postal Service, under its present regulations, than the proportion received by any individual carrier serving the same market.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/91	56 FR 27469
NPRM Comment Period End	08/13/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/14/91 (56 FR 27469)

**Agency Contact:** Carol Woods,  
Transportation Analyst, Air Carrier  
Fitness Division, Department of  
Transportation, Office of the Secretary,

400 Seventh Street SW., Washington,  
DC 20590, 202 366-2340

**RIN:** 2105-AB83

**2118. ● REMOVAL OF OBSOLETE AND REDUNDANT REGULATIONS**

**Significance:** Nonsignificant

**Legal Authority:** 49 CFR 322

**CFR Citation:** 14 CFR Ch I and II; 23 CFR Ch I; 33 CFR Ch I; 46 CFR Ch I and II; 49 CFR "Subtitle A"; 49 CFR "Subtitle B, Ch I, III, V, and VI"; 49 CFR Ch III, "Subchapter B"

**Legal Deadline:** None

**Abstract:** In response to the President's Regulatory Moratorium and Review, the Department has reviewed all its existing regulations, identifying 71 which were obsolete or redundant, or

could be reissued as nonregulatory guidance. This action would remove those rules from the Code of Federal Regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/20/92	57 FR 21362
NPRM Comment Period End	07/06/92	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert C. Ashby,  
Deputy Assistant General Counsel for  
Regulation and Enforcement,  
Department of Transportation, Office of  
the Secretary, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB88

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Office of the Secretary (OST)

**2119. + COMPUTER RESERVATION SYSTEM (CRS) RULES: REVIEW**

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1381

**CFR Citation:** 14 CFR 255

**Legal Deadline:** None

**Abstract:** This proceeding promulgated stronger rules necessary to enhance competition in the airline and CRS industries by eliminating various CRS vendor practices that could restrain competition. As the Department must conduct a review within 5 years after their effective date, these revised rules will terminate December 31, 1997, unless extended further and, possibly, revised. American Airlines' rulemaking petition to severely restrict the use of elapsed time as a factor for ranking flights in CRS displays was denied. Many travelers consider elapsed time an important consideration in choosing airline service. American's proposal would have denied CRS's ability to use that factor in ordering their displays. This rulemaking was significant because of substantial public and industry interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/21/89	54 FR 38870
ANPRM Comment Period End	11/20/89	
Proposed Extension of Expiration Date	12/04/90	55 FR 50033
Expiration Date Extended to 11/30/91	12/27/90	55 FR 53149
NPRM	03/26/91	56 FR 12586
NPRM Comment Period End	06/24/91	
Proposed Extension of Expiration Date	11/13/91	56 FR 57603
Expiration Date Extended to 05/31/92	11/29/91	56 FR 60915
Proposed Extension of Expiration Date	05/08/92	57 FR 19821
Expiration Date Extended to 12/11/92	05/29/92	57 FR 22643
Final Action	09/22/92	57 FR 43780
Final Action Effective	12/07/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Analysis:** Regulatory Impact Analysis;  
Regulatory Evaluation 09/22/92 (57 FR  
43780)

**Agency Contact:** Thomas Ray,  
Attorney, Department of  
Transportation, Office of the Secretary,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4731

**RIN:** 2105-AB47

**2120. + PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN AIRPORT CONCESSIONS**

**Significance:** Agency Priority

**Legal Authority:** PL 100-223

**CFR Citation:** 49 CFR 23

**Legal Deadline:** None

**Abstract:** This action established requirements for the participation of disadvantaged business enterprises (DBE) in airport concessions. It also amended the existing DBE regulation needed to implement a provision of the Airport and Airway Improvement Act of 1982, as amended in 1987, and was considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	03/30/90	55 FR 11964
NPRM Correction	04/25/90	55 FR 17465
NPRM Comment Period End	05/29/90	
Final Action	04/30/92	57 FR 18400



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## Completed Actions

Action	Date	FR Cite
Final Action Effective	06/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/30/92 (57 FR 18400)

**Additional Information:** The NPRM published 03/30/90 inadvertently used RIN 2105-AA03; the correct RIN for this action is 2105-AB70.

**Agency Contact:** Irene H. Miels, General Legal Services Division, Office of Chief Counsel, Department of Transportation, Federal Aviation Administration, 701 Pennsylvania Avenue NW., Suite 925, Washington, DC 20004, 202 376-6406

**RIN:** 2105-AB70

### 2121. AVIATION ECONOMIC RULES

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1301 to 1302; 49 USC 1305; 49 USC 1324; 49 USC 1351; 49 USC 1371 to 1375; 49 USC 1377 to 1379; 49 USC 1381 to 1382; 49 USC 1386 to 1389; 49 USC 1396; 49 USC 1481; 49 USC 1502

**CFR Citation:** 14 CFR 200; 14 CFR 203; 14 CFR 205 to 206; 14 CFR 231 to 232; 14 CFR 235; 14 CFR 263; 14 CFR 288; 14 CFR 292; 14 CFR 294; 14 CFR 296 to 298; 14 CFR 372; 14 CFR 380; 14 CFR 384; 14 CFR 387; 14 CFR 399

**Legal Deadline:** None

**Abstract:** This rulemaking was one of a series of projects to update the aviation economic regulations in order to eliminate references to the CAB and other terms and provisions, to bring the rules into conformance with current needs and to facilitate their use by the public.

#### Timetable:

Action	Date	FR Cite
NPRM	01/29/92	57 FR 3366
NPRM Comment Period End	03/30/92	
Final Action	09/02/92	57 FR 40097
Final Action Effective	10/02/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
09/02/92 (57 FR 40097)

**Agency Contact:** Carol Woods, Transportation Analyst, Air Carrier Fitness Division, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-2340

**RIN:** 2105-AB84

### 2122. ● NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1374(a); 49 USC 1374(c)

**CFR Citation:** 14 CFR 382

primarily informational. This rulemaking project will seek to reduce posting requirements for nonessential operational data to reduce the burden on the public. Alternatives such as having items readily available rather than being posted are being considered.

#### Timetable:

Action	Date	FR Cite
ANPRM	04/24/87	52 FR 31786
ANPRM Comment Period End	11/24/87	52 FR 31786
Second ANPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Legal Deadline:** None

**Abstract:** In response to a petition from the Regional Airline Association, this action proposed to amend the rule on aircraft accessibility to require availability of onboard wheelchairs in only those aircraft that have more than 70 passenger seats instead of those aircraft that have more than 60 seats, as is currently required. After considering comments received it was determined that, rather than amending the rule, an exemption to the provision should be granted for two specific aircraft models.

#### Timetable:

Action	Date	FR Cite
NPRM	12/16/91	56 FR 65200
NPRM Comment Period End	01/30/92	
Exemption Granted	04/14/92	57 FR 12872

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
12/16/91 (56 FR 65200)

**Additional Information:** The TDD telephone number is (202) 755-7687. The final rule this action was to amend was published 03/06/92 (55 FR 8008)

**Agency Contact:** Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2105-AB86

## DEPARTMENT OF TRANSPORTATION (DOT)

## Prerule Stage

### U.S. Coast Guard (USCG)

### 2123. POSTING REQUIREMENTS ON INSPECTED VESSELS (87-031)

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 3306

**CFR Citation:** 46 CFR 31; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 176; 46 CFR 189

**Legal Deadline:** None

**Abstract:** Various laws, international agreements, and Coast Guard regulations require the posting of specific certificates, licenses, plans, operating instructions, and warnings onboard vessels. Some of these contain essential operational data which must be accessible at all times; others are

**Analysis:** Regulatory Evaluation

**Additional Information:** As a result of the ANPRM, a new project was created to remove regulations requiring merchant vessels to post Form 811. A final rule was published under Docket Number 87-031a (RIN 2115-AC91) on 22 July 1988 (53 FR 27686).

**Agency Contact:** LCDR M. Cruder, Project Counsel, G-LRA, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

**RIN:** 2115-AC68



DOT-USCG

Prerule Stage

**2124. CONTROLLING THE MARINE ASBESTOS HAZARD (88-103)**

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 3306(a); 43 USC 1333

**CFR Citation:** 46 CFR 143

**Legal Deadline:** None

**Abstract:** Asbestos has been identified as a carcinogen for which there are no safe limits of exposure. This regulatory project would limit the hazards posed by asbestos to marine industry personnel aboard Coast Guard inspected vessels, mobile offshore drilling units, Outer Continental Shelf platforms, and deepwater ports.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/07/92	57 FR 46126
ANPRM	02/04/93	
Comment		
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** LCDR Barker, Project Counsel, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1534

**RIN:** 2115-AD16

**2125. ALCOHOL/DRUG ABUSE REVIEW FOR LICENSE/CERTIFICATE OF REGISTRY AND MERCHANT MARINER DOCUMENT APPLICANTS (91-210)**

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 7101; 46 USC 7302

**CFR Citation:** 46 CFR 10; 46 CFR 12

**Legal Deadline:** None

**Abstract:** This regulation will require that license, certificate of registry, and merchant marine document applicants make available certain national driver registry data and be tested for use of illegal, dangerous drugs. A review of the applicant's criminal record may also be required. (See RIN 2115-AD93).

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-8758

**RIN:** 2115-AD91

**2126. CRIMINAL RECORD REVIEWS FOR LICENSE OR CERTIFICATE OF REGISTRY RENEWALS (91-212)**

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 7109

**CFR Citation:** 46 CFR 10

**Legal Deadline:** None

**Abstract:** This regulation will allow for the review of the criminal record of each holder of a license or certificate of registry when the holder is applying for renewal.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-8758

**RIN:** 2115-AD93

**2127. REMOVAL OF MASTER OR PERSON IN CHARGE OF A VESSEL (91-214)**

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 8101

**CFR Citation:** 46 CFR 5; 46 CFR 15

**Legal Deadline:** None

**Abstract:** This regulation will require, under specific conditions, the relieving of the master or person in charge by the next most senior master, mate, or licensed operator.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Mr. W. Williamson, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-8732

**RIN:** 2115-AD95

**2128. REPORTING MARINE CASUALTIES (91-216)**

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 6101

**CFR Citation:** 46 CFR 4

**Legal Deadline:** None

**Abstract:** This regulation will add to the definition of a reportable marine casualty "significant harm to the environment." Some casualty reporting requirements are extended to include foreign tankships operating in U.S. waters, including the exclusive economic zone.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mr. Veckert, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6220

**RIN:** 2115-AD98

**2129. ● FIXED RED AND GREEN LATERAL LIGHTS STRUCTURES IN THE WESTERN RIVERS (91-049)**

**Significance:** Nonsignificant

**Legal Authority:** 14 USC 85; 33 USC 1233; 43 USC 1333

**CFR Citation:** 33 CFR 62; 33 CFR 64

**Legal Deadline:** None

**Abstract:** This rulemaking would amend 33 CFR 62.51 to allow for fixed red and green lateral lights on structures (mainly wharves and piers) in the Western Rivers Marking System.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None



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Prerule Stage

**Agency Contact:** LTJG Guyon, Project Manager, G-NSR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0411

**RIN:** 2115-AE08

**2130. ● UNNECESSARY DRAWBRIDGE OPENING (91-059)**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 499

**CFR Citation:** 33 CFR 117

**Legal Deadline:** None

**Abstract:** This rulemaking would revise 33 CFR 117.11 to prevent unnecessary drawbridge openings and add a definitions section. This revision would prohibit a vessel owner or operator from signalling a drawbridge to open when sufficient clearance is provided for the vessel to pass safely. It would also prohibit signalling for the bridge to open when there is no intention to pass through.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jerry Browne, Project Manager, G-NBR-1, Department of Transportation, U.S. Coast Guard, 2100

Second Street SW., Wasington DC 20593-0001, 202 267-0377

**RIN:** 2115-AE14

**2131. ● ALTERATION OF OBSTRUCTIVE BRIDGES (91-063)**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 511

**CFR Citation:** 33 CFR 116

**Legal Deadline:** None

**Abstract:** With the upsurge of interest in bridge alterations, it has become necessary to clarify the procedures for declaring a bridge to be an unreasonable obstruction and, most importantly, how a bridge qualifies for alteration under the Truman-Hobbs Act. This rule would clarify and update the procedures contained in 33 CFR 116 to more clearly reflect the procedures currently in use.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Ms. Marcia Edwards, Project Manager, G-NBR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0375

**RIN:** 2115-AE15

**2132. ● HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES (92-026)**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 1231

**CFR Citation:** 33 CFR Part 126

**Legal Deadline:** None

**Abstract:** This action would update regulations governing the handling of breakbulk, containerized, and dry bulk dangerous cargoes on waterfront facilities.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** Independent study will be undertaken and together with comments from the public, will determine industry interest in this rulemaking.

**Agency Contact:** Gary Chappell, Project Manager, G-MPS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0493

**RIN:** 2115-AE22

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

U.S. Coast Guard (USCG)

**2133. + INSPECTION OF DISCHARGE-REMOVAL EQUIPMENT AND CARRIAGE BY VESSELS OF DISCHARGE-REMOVAL EQUIPMENT (CGD 90-068)**

**Significance:** Regulatory Program

**Legal Authority:** 46 USC 4202

**CFR Citation:** 46 CFR 165

**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** The Oil Pollution Act of 1990 directs the President by August 18, 1992 to (1) require periodic inspection of discharge-removal equipment to ensure that it is available in an emergency, and (2) require carriage of discharge-

removal equipment by vessels operating in the navigable waters of the U.S. and carrying oil or hazardous substances. This proposal would implement those provisions. This proposal is considered significant because of expected costs and substantial public interest.

**Timetable:**

Action	Date	FR Cite
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ANPRM 08/30/91 56 FR 43534

ANPRM 10/16/91

Comment  
Period End

NPRM 09/29/92 57 FR 44912

NPRM Comment 10/29/92  
Period End

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 09/29/92 (57 FR 44912)

**Agency Contact:** Frank Wood, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6228

**RIN:** 2115-AD66

**2134. + FACILITY RESPONSE PLANS (91-036)**

**Significance:** Regulatory Program

**Legal Authority:** 46 USC 4202; 46 USC 5005; PL 101-30



DOT-USCG

Proposed Rule Stage

**CFR Citation:** 46 CFR 165**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** This rulemaking partially implements sections 4202(b)(4) and 5005 of the Oil Pollution Act of 1990, P.L. 101-30 (OPA 90) concerning tank vessel and facility response plans. Section 4202(b)(4) of OPA-90 amends section 311(j)(5) of the Federal Water Pollution Control Act (FWPCA), which requires owners and operators of tank vessels and facilities to develop response plans for responding to worst-case discharges (or substantial threat thereof) of oil or hazardous substances. Section 5005 requires that response plans for tank vessels operating in Prince William Sound, Alaska, and facilities permitted under the Trans-Alaska Pipeline Authorization Act provided for additional measures of oil spill preparedness. This action is considered significant because of substantial public interest and environmental considerations. This rulemaking covers facility requirements. Tank vessel requirements is a separate rulemaking under RIN 2115-AD81.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/11/92	57 FR 8708
ANPRM	04/27/92	
Comment Period End		
NPRM	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** LCDR Hunt, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6230

**RIN:** 2115-AD82

### 2135. + STRUCTURAL AND OPERATIONAL MEASURES TO REDUCE OIL SPILLS FROM EXISTING TANK VESSELS WITHOUT DOUBLE HULLS (91-045)

**Significance:** Regulatory Program**Legal Authority:** 46 USC 3703; PL 101-380**CFR Citation:** 33 CFR Not yet determined; 46 CFR Not yet determined**Legal Deadline:** None

**Abstract:** This rulemaking will address the interim measures existing vessels must take to provide substantial protection to the environment. The interim measures will apply to existing vessels until the vessel must comply with the double hull regulations beginning on January 1, 1995. No tank vessel without a double hull may operate after January 15, 2015. Interim measures are to include structural and operational standards to provide substantial protection to the environment that are economically and technologically feasible. This rulemaking is considered significant due to substantial public interest and environmental impact.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/01/91	56 FR 56284
ANPRM	12/31/91	
Comment Period End		
ANPRM	01/13/92	57 FR 1243
Comment Period Extended to 01/30/92		
NPRM	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 10/00/92

**Additional Information:** This entry was previously titled Existing Tank Vessel Hull Requirements. The correct docket number is 91-045.

**Agency Contact:** Mr. Neyhart, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6743

**RIN:** 2115-AE01

### 2136. + LICENSING OF PILOTS—MANNING OF VESSELS (84-060)

**Significance:** Agency Priority**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 15.812; 46 CFR 10.700**Legal Deadline:** None

**Abstract:** This proposal would: (1) delineate when certain inspected vessels are required to be under the

direction and control of a pilot, (2) describe first class pilotage areas where local pilotage expertise is warranted, (3) allow licensed individuals to serve as pilot in areas not identified as first class pilotage areas on vessels that they are otherwise qualified to control, and (4) permit individuals with 5 years experience on towing vessel combinations of at least 5,000 gross tons while acting under the authority of a license as master, mate, or operator of uninspected towing vessels, with a minimum of 2 of the 5 years having been on towing vessels combinations of at least 10,000 gross tons, to obtain without a written examination, an endorsement as first class pilot, restricted to tug and barge combinations only, for those routes over which they have made the required number of round trips. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
NPRM Comment Period End	12/23/85	
SNPRM	06/06/88	53 FR 20654
Supplemental SNPRM Notice of Public Hearing	08/11/89	54 FR 33045
Second SNPRM	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 06/27/85 (50 FR 26117)

**Additional Information:** This proposal has been split from a previously published action identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04, completed in 50 FR 26106. The Coast Guard initiated a comprehensive study of pilotage issues and requested public comment in 54 FR 31136.

**Agency Contact:** Mr. J. Hartke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0217

**RIN:** 2115-AB67

### 2137. + SECURITY FOR PASSENGER VESSELS AND PASSENGER TERMINALS (91-012)

**Significance:** Agency Priority



## DOT-USCG

## Proposed Rule Stage

**Legal Authority:** 33 USC 1226**CFR Citation:** 33 CFR 6**Legal Deadline:** None

**Abstract:** The purpose of this action is to improve security measures on passenger vessels engaged in international voyages of 24 hours or more, and on the port facilities serving these vessels. This rulemaking is significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Gary W. Chappell, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0491

**RIN:** 2115-AD75

### 2138. + DRUG TESTING REGULATIONS AMENDMENTS; REPORTING REQUIREMENT ADDED (MIS)(91-019)

**Significance:** Agency Priority**Legal Authority:** 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701**CFR Citation:** 46 CFR 16; 49 CFR 40**Legal Deadline:** None

**Abstract:** To provide effective oversight and monitoring of transport industry antidrug programs, DOT would propose to implement a Management Information System (MIS) of standardized drug-testing data collected from the regulated industries. (See RIN 2105-AB81.) This entry is the Coast Guard's part of the departmental action and is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Tom Murphy, Project Manager, G-MMI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1421

**RIN:** 2115-AD84

### 2139. ● + USER FEES FOR APPROVALS OF EQUIPMENT, LABORATORIES, AND SERVICING FACILITIES (92-013)

**Significance:** Agency Priority**Legal Authority:** 46 USC 2110; 46 USC 664; 31 USC 9701**CFR Citation:** 46 CFR subchapter F; 46 CFR subchapter J; 46 CFR subchapter Q; 33 CFR 159**Legal Deadline:** None

**Abstract:** This regulatory project would establish direct user fees for Coast Guard services relating to equipment approvals, factory inspections, acceptance of independent laboratories and acceptance of servicing, repair, and testing facilities. The proposed fees are based on average workload, personnel, and overhead costs. The fees collected will be deposited in the general funds of the U.S. Treasury as offsetting receipts for Coast Guard activities. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** LCDR J.J. Kelly, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0009

**RIN:** 2115-AE18

### 2140. + STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (92-014)

**Significance:** Agency Priority**Legal Authority:** 33 USC 2712 Oil Pollution Act of 1990**CFR Citation:** 33 CFR 130**Legal Deadline:** NPRM, Statutory, February 18, 1991.

**Abstract:** Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action will specify how the authority to obligate the pollution trust fund for oil spill response and cleanup efforts and to enter into agreements with the States will be exercised. OPA 90 provides for access to the liability trust fund at the request of a State governor or pursuant to agreement with a State. This rulemaking will prescribe administrative procedures and establish standards and recordkeeping or auditing requirements. It is considered significant because of substantial public interest and its impact on State governments.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** State**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Steve Barber, Project Counsel, G-LRA, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1534

**RIN:** 2115-AE19

### 2141. 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:** This project 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
SNPRM	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 08/22/85 (50 FR 33923)



DOT-USCG

Proposed Rule Stage

**Additional Information:** A related project, CGD 78-174, was completed on 6/27/91 (56 FR 29439).

**Agency Contact:** Mr. S. Wehr, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AA29

#### 2142. OUTER CONTINENTAL SHELF FACILITIES: AIDS TO NAVIGATION (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
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Additional Information:** Formerly entitled Aids to Navigation on Outer Continental Shelf.

**Agency Contact:** Charles Mosher, Project Manager, G-NSR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1973

RIN: 2115-AA92

#### 2143. SAFETY STANDARDS FOR NEW 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:** This proposal would update standards for ships 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
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Mr. T. Felleisen, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1217

RIN: 2115-AA95

#### 2144. FIRE PROTECTION REGULATIONS (CGD 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 32; 46 CFR 72; 46 CFR 92; 46 CFR 190; 46 CFR 193; 46 CFR 30; 46 CFR 31; 46 CFR 34; 46 CFR 35; 46 CFR 70; 46 CFR 76; 46 CFR 77; 46 CFR 78; 46 CFR 90; 46 CFR 95; ...

**Legal Deadline:** None

**Abstract:** The purpose of this proposal is to bring into agreement the international requirements of SOLAS 1974 (Safety of Life at Sea) and its amendments and Coast Guard regulations.

#### Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM	11/30/84	
Comment Period End		
NPRM	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Formerly titled Reassessment of Coast Guard Fire Protection Regulations to Incorporate SOLAS 1974.

**Agency Contact:** Marsha Kupferman, Project Manager, Department of Transportation, U.S. Coast Guard, G-

MTH-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2997

RIN: 2115-AB36

#### 2145. 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
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NPRM 10/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Agency Contact:** Bob Landman, Project Manager, G-MTH-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2206

RIN: 2115-AC20

#### 2146. SMALL PASSENGER VESSEL INSPECTION AND CERTIFICATION (CGD 85-080)

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 3306

**CFR Citation:** 46 CFR 175 to 185; 46 CFR 170; 46 CFR 171; 46 CFR 173

**Legal Deadline:** None

**Abstract:** This rulemaking would revise Subchapters "S" and "T" to reflect statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals, drydocking intervals, lifesaving equipment



## DOT-USCG

## Proposed Rule Stage

requirements, and fire protection requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4412
Comment Period Extended and Notice of Hearings	04/26/89	54 FR 17997
Notice of Public Hearing Change	05/25/89	54 FR 22608
NPRM Comment Period End	05/30/89	
Notice of Intent to Issue SNPRM	09/18/89	54 FR 38410
SNPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/30/89 (54 FR 4412)

**Additional Information:** On April 26, 1989, the Coast Guard published notice of six public hearings and extended the comment period to July 31, 1989. Because of extensive substantive public comments, the Coast Guard will issue an SNPRM.

**Agency Contact:** LCDR M. Cruder, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1053

**RIN:** 2115-AC22

**2147. LOAD LINES (86-013)**

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 5115

**CFR Citation:** 46 CFR 41 to 48

**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
Notice	12/29/86	51 FR 46972
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Mr. P. Cojeen, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2988

**RIN:** 2115-AC37

**2148. REVISION TO INFLATABLE LIFERAFT APPROVAL: SOLAS 74/83 (85-205)**

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 3306(a)

**CFR Citation:** 46 CFR 160

**Legal Deadline:** None

**Abstract:** This project would establish approval requirements for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

**Timetable:**

Action	Date	FR Cite
ANPRM RIN 2115-AA50	06/29/81	46 FR 33341
NPRM RIN 2115-AA50	01/11/85	50 FR 7558
Comment Period Extended to 10/14/85 RIN 2115-AA50	07/05/85	50 FR 27629
Comment Period Extended to 01/10/86 RIN 2115-AA50	09/09/85	50 FR 36639
ANPRM RIN 2115-AA57	08/14/86	51 FR 29117
Public Meeting RIN 2115-AA57	12/22/86	51 FR 45783
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Additional Information:** Two related projects have been consolidated into this one: Inflatable Liferaft Stability (CGD 80-113), RIN 2115-AA50, and Servicing Inflatable Liferrafts (CGD 81-010), RIN 2115-AA57.

**Agency Contact:** Mr. Kurt Heinz, Project Manager, MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

**RIN:** 2115-AC51

**2149. REGATTAS AND MARINE PARADES (CGD 87-087)**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 1233

**CFR Citation:** 33 CFR 100.15

**Legal Deadline:** None

**Abstract:** This proposal would amend current regatta and marine parade regulations to increase the lead time requirement for submitting regatta permit applications. The rulemaking will allow the Coast Guard adequate time to review regatta permit applications, conduct appropriate coordination, and provide necessary public notice relating to regattas and marine events. In view of comments received, an SNPRM will be issued.

**Timetable:**

Action	Date	FR Cite
NPRM	02/04/88	53 FR 3221
NPRM Comment Period End	04/04/88	53 FR 3221
SNPRM	10/00/92	

**Small Entities Affected:** Organizations

**Government Levels Affected:** Local, State, Federal

**Analysis:** Regulatory Evaluation 02/04/88 (53 FR 3221)

**Agency Contact:** Mr. Carlton Perry, Project Manager, G-NAB, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0979

**RIN:** 2115-AC84

**2150. MARINE TRANSPORT OF BULK SOLID HAZARDOUS MATERIALS (87-069)**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1803; 49 USC 1804; 49 USC 1808

**CFR Citation:** 46 CFR 148

**Legal Deadline:** None

**Abstract:** This proposal would incorporate into 46 CFR 148 the requirements for shipping certain frequently carried hazardous bulk solids. Putting these requirements into regulation would eliminate paperwork for both the Coast Guard and the shipping industry. This proposal would also incorporate requirements found in the International Maritime Organization's Code of Safe Practice For Solid Bulk Cargoes.



DOT-USCG

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	04/28/89	54 FR 18308
ANPRM	06/27/89	
Comment		
Period End		
NPRM	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
01/00/93**Agency Contact:** Frank Thompson,  
Project Manager, G-MTH-1, Department  
of Transportation, U.S. Coast Guard,  
2100 Second Street SW., Washington,  
DC 20593-0001, 202 267-1217**RIN:** 2115-AD02**2151. REQUIREMENTS FOR MARINE  
TERMINALS TRANSFERRING BULK  
LIQUEFIED HAZARDOUS GASES (88-  
049)****Significance:** Nonsignificant**Legal Authority:** 33 USC 1221**CFR Citation:** 33 CFR 126; 33 CFR 127**Legal Deadline:** None**Abstract:** This project would develop  
requirements for marine terminals  
transferring bulk liquefied hazardous  
gases (petroleum and chemical) and  
establish comparable levels of safety  
and contingency measures for these  
commodities as are now required for  
liquefied natural gas (LNG).**Timetable:**

Action	Date	FR Cite
ANPRM	09/28/88	53 FR 37792
ANPRM	11/28/88	
Comment		
Period End		
NPRM	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
10/00/92**Agency Contact:** Mr. G. W. Chappell,  
Project Manager, G-MPS-3, Department  
of Transportation, U.S. Coast Guard,  
2100 Second Street SW., Washington,  
DC 20593-0001, 202 267-0491**RIN:** 2115-AD06**2152. WRITTEN WARNINGS BY  
COAST GUARD LAW ENFORCEMENT  
OFFICIALS (88-074)****Significance:** Nonsignificant**Legal Authority:** 14 USC 633**CFR Citation:** 33 CFR 1**Legal Deadline:** None**Abstract:** This proposal would clarify  
which Coast Guard officials may issue  
written warnings for violations of  
statutes and regulations.**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** LT Ralph Hetzel,  
Project Counsel, G-LRA, Department of  
Transportation, U.S. Coast Guard, 2100  
Second Street SW., Washington, DC  
20593-0001, 202 267-0014**RIN:** 2115-AD13**2153. ACCESS DOCUMENTS TO  
WATERFRONT FACILITIES (88-097)****Significance:** Nonsignificant**Legal Authority:** EO 10277**CFR Citation:** 33 CFR 125**Legal Deadline:** None**Abstract:** This proposal would  
reemphasize the Port Security Card as  
an access control document rather than  
a personal identification document.**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
10/00/92**Agency Contact:** LT Corpuc, Project  
Manager, G-MP-2, Department of  
Transportation, U.S. Coast Guard, 2100  
Second Street SW., Washington, DC  
20593-0001, 202 267-0475**RIN:** 2115-AD14**2154. REGULATED NAVIGATION  
AREAS; BROWNSVILLE SHIP  
CHANNEL (8-89-01)****Significance:** Nonsignificant**Legal Authority:** 33 USC 1225; 33 USC  
1231; 50 USC 191**CFR Citation:** 33 CFR 165**Legal Deadline:** None**Abstract:** In recent years the port of  
Brownsville, Texas, has experienced  
several casualties involving vessels to  
be scrapped. This proposal would limit  
the possibility of future casualties by  
requiring advance notice of arrival and  
inspection for watertight integrity and  
the presence of hazardous gas.**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
10/00/92**Agency Contact:** LCDR McHenry,  
Project Manager, Department of  
Transportation, U.S. Coast Guard,  
U.S.C.G. Marine Safety Office, P.O. Box  
1621, Corpus Christi, TX 78403-1621, 512  
888-3192**RIN:** 2115-AD21**2155. GENERAL REVISIONS TO  
STABILITY REGULATIONS  
(SUBCHAPTER S) (89-038)****Significance:** Nonsignificant**Legal Authority:** 46 USC 1333; 46 USC  
3306; 46 USC 3703; 46 USC 5115**CFR Citation:** 46 CFR 170 to 174**Legal Deadline:** None**Abstract:** This project proposes general  
editorial changes to the stability  
regulations to correct errors and clarify  
meaning. No substantive revisions are  
anticipated.**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
10/00/92**Additional Information:** This project  
was formerly entitled, Stability  
Regulations -- General Revision of  
Subchapter S (89-038).**Agency Contact:** LT T. Skuby, Project  
Manager, G-MTH-3, Department of  
Transportation, U.S. Coast Guard, 2100



DOT-USCG

Proposed Rule Stage

Second Street SW., Washington, DC  
20593-0001, 202 267-2988

RIN: 2115-AD34

**2156. VESSEL IDENTIFICATION SYSTEM (89-050)**

Significance: Nonsignificant

Legal Authority: 46 USC 12501

CFR Citation: 33 CFR subchapter S

Legal Deadline: None

**Abstract:** 49 USC 125 requires the Secretary of Transportation to establish a vessel identification system. This rulemaking will provide minimum requirements for participation by States and other authorized users in this nationwide numbered/titled vessel information system.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/15/89	54 FR 38358
ANPRM	12/14/89	
Comment Period End		
NPRM	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation  
10/00/92

**Agency Contact:** LTJG Dave Fish,  
Project Manager, G-MIM-2, Department  
of Transportation, U.S. Coast Guard,  
2100 Second Street SW., Washington,  
DC 20593-0001, 202 267-6044

RIN: 2115-AD35

**2157. DEFINITION OF CHANNEL 67 RADIO BOUNDARIES (89-086)**

Significance: Nonsignificant

Legal Authority: 33 USC 1201; 33 USC 1208

CFR Citation: 33 CFR 26

Legal Deadline: None

**Abstract:** The purpose of this proposal is to define in 33 CFR the demarcation line between where channel 13 is used as the designated bridge-to-bridge radiotelephone frequency, and where channel 67 is used.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation  
10/00/92

**Agency Contact:** Joe Epstein, Project  
Manager, G-NSR-3, Department of  
Transportation, U.S. Coast Guard, 2100  
Second Street SW., Washington, DC  
20593-0001, 202 267-0352

RIN: 2115-AD44

**2158. SPECIAL REQUIREMENTS FOR LIGHTERING OF OIL AND HAZARDOUS MATERIAL CARGOES (90-052)**

Significance: Nonsignificant

Legal Authority: 33 USC 1312(j)

CFR Citation: 33 CFR 155; 33 CFR 156

Legal Deadline: None

**Abstract:** This proposed rulemaking would require that lightering operations conducted from 12 to 200 nautical miles off the coast be conducted in accordance with applicable portions of the pollution prevention requirements in 33 CFR. Lightering operations past 12 miles have increased in frequency and there is reason to believe the trend will continue. This proposal would require that these offshore lightering operations are conducted with at least minimal safety standards.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

**Additional Information:** Formerly titled  
Lightering of Oil and Hazardous  
Material Cargo.

**Agency Contact:** Ltjg John Burton,  
Project Manager, G-MEP-1, Department  
of Transportation, U.S. Coast Guard,  
2100 Second Street SW., Washington,  
DC 20593-0001, 202 267-6714

RIN: 2115-AD68

**2159. TANK LEVEL OR PRESSURE MONITORING DEVICES (CGD 90-071)**

Significance: Nonsignificant

Legal Authority: 46 USC 3703; PL 101-380

CFR Citation: 46 CFR 32

Legal Deadline: Final, Statutory,  
December 1, 1991.

**Abstract:** The Oil Pollution Act of 1990 requires the Secretary of Transportation to issue regulations concerning the use of tank level or pressure monitoring devices. This proposal would implement the provisions of the Act.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/07/91	56 FR 21116
ANPRM	10/04/91	
Comment Period End		

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

**Additional Information:** Formerly titled  
Overfill and Tank Level or Pressure  
Monitoring Devices.

**Agency Contact:** Mr. T. Felleisen,  
Project Manager, G-MTH-1, Department  
of Transportation, U.S. Coast Guard,  
2100 Second Street SW., Washington,  
DC 20593-0001, 202 267-1217

RIN: 2115-AD69

**2160. BALLAST WATER MANAGEMENT FOR VESSELS ENTERING THE GREAT LAKES (91-066)**

Significance: Nonsignificant

Legal Authority: PL 101-646

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory,  
November 29, 1992.

**Abstract:** This action will propose regulations to control ballast-water discharges in the Great Lakes as required by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, which charged the Coast Guard to issue voluntary guidelines and then regulations within 24 months of enactment.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation  
10/00/92



DOT-USCG

Proposed Rule Stage

**Additional Information:** Joint U.S.-Canadian voluntary guidelines were published on 03/15/91 (56 FR 11330). This project was formerly entitled, Control of Discharge of Ballast Water Containing Harmful Marine Organisms.

**Agency Contact:** LTJG J. C. Burton, Project Manager, G-MEP-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0428

**RIN:** 2115-AD80

### 2161. OVERFILL DEVICES (CGD 90-071A)

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 3703

**CFR Citation:** 33 CFR 155 to 156

**Legal Deadline:** Final, Statutory, August 18, 1991.

**Abstract:** The Oil Pollution Act of 1990 requires the Secretary of Transportation to issue regulations concerning the use of overfill devices. This proposal would implement the provisions of this Act.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** LCDR Michael B. Karr, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1217

**RIN:** 2115-AD87

### 2162. NEW TERMS OF VALIDITY FOR CERTIFICATES OF REGISTRY AND MERCHANT MARINER'S DOCUMENTS

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 7107; 46 USC 7302

**CFR Citation:** 46 CFR 10; 46 CFR 12

**Legal Deadline:** None

**Abstract:** This regulation will specify a five year period of validity for certificates of registry and merchant mariner's documents. The expiration of existing papers is also addressed.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6758

**RIN:** 2115-AD92

### 2163. SUSPENSION AND REVOCATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 2101; 46 USC 7701; 46 USC 7702; 46 USC 7703

**CFR Citation:** 33 CFR 95; 46 CFR 5; 46 CFR 10; 46 CFR 12

**Legal Deadline:** None

**Abstract:** This regulation will allow the temporary suspension of these papers under certain circumstances as part of the suspension and revocation procedures. These revisions would not involve substantial changes to existing regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** W. Williamson, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6770

**RIN:** 2115-AD94

### 2164. ACCESS TO NATIONAL DRIVER REGISTER

**Significance:** Nonsignificant

**Legal Authority:** 23 USC 401; 46 USC 2302; 46 USC 7505

**CFR Citation:** 46 CFR 10; 46 CFR 12

**Legal Deadline:** None

**Abstract:** This regulation will create the procedures by which an applicant or a

holder of a license, certificate of registry, or merchant mariner's document may review and comment upon any data received from the national driver's registry with regard to any action taken or intended to be taken against said license, certificate of registry, or merchant mariner's document under administrative procedures.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6758

**RIN:** 2115-AD96

### 2165. MANNING STANDARDS FOR FOREIGN TANK VESSELS (91-215)

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 9101

**CFR Citation:** 46 CFR 30

**Legal Deadline:** None

**Abstract:** This regulation will establish the requirements and procedures for the review for equivalency of foreign manning, training, qualification, and watchkeeping standards with respect to comparable United States or accepted international requirements. Enforcement of these standards by each respective government will also be reviewed.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mr. Williamson, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6732

**RIN:** 2115-AD97



DOT-USCG

Proposed Rule Stage

**2166. PERIODIC GAUGING OF PLATING THICKNESS OF COMMERCIAL VESSELS****Significance:** Nonsignificant**Legal Authority:** PL 101-380**CFR Citation:** 46 CFR 30; 46 CFR 32**Legal Deadline:** None

**Abstract:** This rulemaking applies to vessels constructed or adapted to carry oil in bulk or as cargo residue and requires that minimum standards for plating thickness be established. It also requires periodic gauging of the applicable vessels that are more than 30 years old. The purpose of these regulations is to prevent oil leaks from cracks in hull plating.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** LCDR Karr, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6755

**RIN:** 2115-AD99**2167. USE OF AUTOMATIC PILOT; AREA RESTRICTIONS AND PERFORMANCE REQUIREMENTS (91-204)****Significance:** Nonsignificant**Legal Authority:** PL 101-380**CFR Citation:** 33 CFR 165**Legal Deadline:** None

**Abstract:** This regulation project defines the conditions and designates the waters upon which tankers may operate with their auto-pilot engaged.

**Timetable:**

Action	Date	FR Cite
NPRM	01/06/92	57 FR 514
NPRM Comment	03/06/92	
Period End		
SNPRM; Comment	10/02/92	57 FR 45667
Period End	12/01/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/02/92 (57 FR 45667)

**Additional information:** The issue of unattended engine rooms has been assigned a separate RIN (2115-AE12).

**Agency Contact:** LCDR Paul Jewell, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6401

**RIN:** 2115-AE00**2168. A SECOND LICENSED OFFICER ON TANKER BRIDGE****Significance:** Nonsignificant**Legal Authority:** PL 101-380; 46 USC 8502**CFR Citation:** Not yet determined**Legal Deadline:** None

**Abstract:** This regulation will designate the waters on which certain tankers must have on the bridge a master or mate licensed to direct and control their vessel who is separate and distinct from the required pilot.

**Timetable:**

Action	Date	FR Cite
NPRM	10/02/92	57 FR 45664
NPRM Comment	12/01/92	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/02/92 (57 FR 45664)

**Agency Contact:** LCDR Paul Jewell, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6742

**RIN:** 2115-AE03**2169. GULF INTRACOASTAL WATERWAY (91-050)****Significance:** Nonsignificant**Legal Authority:** 33 USC 2071**CFR Citation:** 33 CFR 89**Legal Deadline:** None

**Abstract:** This rulemaking would relieve tow operators on the Gulf Intracoastal Waterway of the requirement to show a masthead light, except when crossing major waterways, by making the Gulf Intracoastal Waterway subject to Inland Rule 24(i).

**Timetable:**

Action	Date	FR Cite
NPRM	09/18/92	57 FR 43169
NPRM Comment	11/17/92	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
09/18/92 (57 FR 43169)

**Agency Contact:** Jon Epstein, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6352

**RIN:** 2115-AE09**2170. DAMAGE STABILITY CRITERIA FOR DOUBLE-HULLED TANK VESSELS (91-206)****Significance:** Nonsignificant**Legal Authority:** PL 101-30**CFR Citation:** 33 CFR 157; 46 CFR 172**Legal Deadline:** None

**Abstract:** This rulemaking is intended to regulate stability of tank vessels built under the mandate of section 4115(a) of the Oil Pollution Act of 1990. This section requires vessels constructed or adapted to carry oil in bulk or as cargo residue, for which a contract was placed after 30 June 1990, to be equipped with double hulls.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Agency Contact:** J. Sirkar, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2988

**RIN:** 2115-AE11**2171. UNATTENDED ENGINE ROOM (91-203)****Significance:** Nonsignificant**Legal Authority:** PL 101-380**CFR Citation:** 33 CFR 165**Legal Deadline:** None



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Proposed Rule Stage

**Abstract:** This regulation project defines the conditions and designates the waters upon which tankers may operate with an unattended engine room. The SNPRM revised the NPRM by proposing to require the machinery spaces of integrated tug/barge combinations and tankers over 1,600 gross tons to be attended when underway in navigable U.S. waters.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/92	57 FR 12378
NPRM Comment Period End	06/08/92	
SNPRM; Comment Period End	10/02/92	57 FR 45662

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/02/92 (57 FR 45662)

**Agency Contact:** LCDR Paul Jewell, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20592-0001, 202 267-6401

**RIN:** 2115-AE12

**2172. REFUSE RECORD BOOKS FOR SHIPS**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 1903(b)

**CFR Citation:** 33 CFR 151

**Legal Deadline:** Final, Statutory, December 29, 1988.

**Abstract:** This regulation would require certain vessels and fixed or floating platforms to maintain a record of all their garbage discharges. This record is mandated by the Marine Plastic Pollution Research and Control Act of 1987. The alternatives being considered relate to the contents of the record, whether the record should be

maintained on the vessel or submitted to the Coast Guard, and what format should be used. The action's potential costs should be minimal and result from recordkeeping. This rulemaking action should reduce the number of illegal discharges of garbage, provide information for enforcement, and assist the Coast Guard in its studies of the methods of disposal being used, the problems encountered in port, and the amounts of garbage being generated at sea.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** ENS Claudia C. Gelzer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-4450

**RIN:** 2115-AE17

**2173. ● TRANSFER HOSE MARKINGS (92-027)**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 1903(b)

**CFR Citation:** 33 CFR 154; 33 CFR 155

**Legal Deadline:** None

**Abstract:** Proposal would require that hoses used to transfer bulk liquid hazardous materials to and from waterfront facilities and vessels be either labeled with the names of the products for which the hoses are used, be marked "oil service" or marked "for hazardous material service: Consult hose records for compatibility before use." This last alternative is being added because it is more practical and effective.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** This proposed change in hose marking regulations was recommended by the Towing Safety Advisory Committee (TSAC).

**Agency Contact:** LTJG Jon Burton, Project Manager, G-MEP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0426

**RIN:** 2115-AE20

**2174. ● PRINCE WILLIAM SOUND PILOTAGE**

**Significance:** Nonsignificant

**Legal Authority:** PL 101-380

**CFR Citation:** 46 CFR 15

**Legal Deadline:** None

**Abstract:** This proposal would designate waters in Prince William Sound where a Federal pilot is not required. In lieu of a Federal pilot, two officers will be required on the bridge of coastwise vessels.

**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Agency Contact:** LCDR P. Jewell, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6746

**RIN:** 2115-AE24

**DEPARTMENT OF TRANSPORTATION (DOT)**

**U.S. Coast Guard (USCG)**

Final Rule Stage

**2175. + OFFSHORE SUPPLY VESSEL REGULATIONS (82-004)**

**Significance:** Regulatory Program

**Legal Authority:** 46 USC 3301; 46 USC 3305; 46 USC 3306

**CFR Citation:** 46 CFR 125 to 136; 46 CFR 174; 46 CFR 170

**Legal Deadline:** None

**Abstract:** These regulations would consolidate existing Offshore Safety Vessel standards and policy into a

single subchapter and make specific revisions to accommodate the unique characteristics and methods of operation and the service in which the vessels are engaged. Rules specifically applicable to liftboats would be



## DOT-USCG

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included. Because of public interest in certain aspects of this proposal, it has been classified as significant.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
Comment Period Extended to 09/12/83	06/09/83	48 FR 26631
ANPRM Comment Period End	06/14/83	48 FR 6636
ANPRM of Consolidated RIN AC63	04/16/87	52 FR 12439
NPRM	05/09/89	54 FR 20006
Comment Period Extended to 12/06/89	08/31/89	54 FR 36040
NPRM Comment Period End	09/06/89	
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/09/89 (54 FR 20006)

**Additional Information:** Coast Guard Docket 86-074 (RIN 2115-AC63) titled Regulations for Self-Elevating Offshore Service and Support Vessels was combined with this project. Public Hearing was held in New Orleans 09/13/89 in response to House Subcommittee request.

**Agency Contact:** LCDR Scott Hartley, Project Manager, Department of Transportation, U.S. Coast Guard, G-MV1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2307

**RIN:** 2115-AA77

### 2176. + TRAFFIC SEPARATION SCHEMES AND SHIPPING SAFETY FAIRWAYS OFF THE COAST OF CALIFORNIA (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:** The Coast Guard has conducted the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard has 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. This project is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/27/89	54 FR 18258
Correction Notice	05/10/89	54 FR 20235
Announcement of Public Hearings	06/01/89	54 FR 23493
NPRM Comment Period End	07/26/89	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Analysis:** Regulatory Impact Analysis; Regulatory Evaluation 04/27/89 (54 FR 18258); Environmental Assessment 04/27/89 (54 FR 18258)

**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). This rulemaking involves coordination with the Minerals Management Service of the Department of the Interior. This project was formerly titled California Offshore Routing System.

**Agency Contact:** Margie Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, G-NSR-3, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

**RIN:** 2115-AB29

### 2177. + FINANCIAL RESPONSIBILITY FOR WATER POLLUTION (VESSELS) (CGD 91-005)

**Significance:** Regulatory Program

**Legal Authority:** 33 USC 2716; 42 USC 9608

**CFR Citation:** 33 CFR 130 to 132; 33 CFR 137

**Legal Deadline:** None

**Abstract:** This rulemaking will implement the provisions concerning financial responsibility for vessels in the Oil Pollution Act of 1990 and the Comprehensive Environmental Response Compensation and Liability

Act. It will prescribe the means by which owners and operators of vessels establish and maintain evidence of insurance or other evidence of financial responsibility sufficient to meet their potential liability under these Acts. This rule is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/91	56 FR 49006
NPRM Comment Period End	11/25/91	
NPRM Comment Period Extended to 01/24/92	12/02/91	56 FR 61216

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Impact Analysis; Regulatory Evaluation 09/26/91 (56 FR 49006)

**Additional Information:** The Oil Pollution Act of 1990 (OPA) repealed or superseded certain oil spill liability provisions under the Federal Water Pollution Control Act (33 USC 1321), Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (43 USC 1814), the Trans-Alaska Pipeline Authorization Act (43 USC 1653) and the Deepwater Port Act of 1974 (33 USC 1517). The financial responsibility provisions of those Acts were replaced by a single financial responsibility regime under OPA and keyed to the broader liability of OPA. In addition to financial responsibility requirements under OPA, which is limited to oil, this project would include financial responsibility requirements under the Comprehensive Environmental Response, Compensation, and Liability Act, which concerns hazardous substances. This consolidation would allow the issuance of a single, unified Certificate of Financial Responsibility for vessels, replacing separate certificates and financial responsibility regimes under the previously mentioned Acts.

**Agency Contact:** Robert M. Skall, Project Manager, Department of Transportation, U.S. Coast Guard, National Pollution Funds Center, 4200 Wilson Blvd, Suite 1000, Arlington, VA 22203-1804, 703 235-4704

**RIN:** 2115-AD76



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Final Rule Stage

**2178. + DIRECT USER FEES FOR INSPECTION OR EXAMINATION OF U.S. AND FOREIGN COMMERCIAL VESSELS (91-030)**

**Significance:** Regulatory Program

**Legal Authority:** 14 USC 633; 14 USC 6641; 31 USC 9701; 46 USC 2103; 46 USC 2104; 46 USC 2110; 46 USC 2111; 46 USC 3303(a); 46 USC 3303(b); 46 USC 3306; 46 USC 3317; 46 USC 3714; 46 USC 5115; 46 USC 8105; 46 USC 3703

**CFR Citation:** 33 CFR 143; 46 CFR 2

**Legal Deadline:** None

**Abstract:** The Omnibus Budget Reconciliation Act of 1990 requires the Coast Guard to establish user fees for Coast Guard services related to the inspection and examination of U.S. and foreign vessels and issuance of Certificates of Inspection, Certificates of Compliance, and related documents. The proposed fees are based on the way the Coast Guard presently conducts vessel inspection activities. This proposal is intended to recover costs of providing certain vessel inspection services. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/91	56 FR 65786
NPRM;	12/24/91	56 FR 66766
Correction To Add Appendix A		
NPRM Comment Period End	02/18/92	
NPRM Comment Period Reopened to 05/18/92	03/24/92	57 FR 10149
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 12/18/91 (56 FR 65786)

**Agency Contact:** CDR Bruce Russell, Project Manager, G-MP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6923

**RIN:** 2115-AD78

**2179. + TANK VESSEL RESPONSE PLANS (91-034)**

**Significance:** Regulatory Program

**Legal Authority:** 46 USC 4202; 46 USC 5005; PL 101-30

**CFR Citation:** 46 CFR 165

**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** This rulemaking partially implements action 4202(b)(4) and 5005 of the Oil Pollution Act of 1990, P.L. 101-30 (OPA-90) concerning tank vessel and facility response plans. Section 4202(b)(4) of the OPA-90 amends section 311(j)(5) of the Federal Water Pollution Control Act (FWPCA), which requires owners and operators of tank vessels and facilities to develop response plans for responding to worst-case discharges (or substantial threat thereof) of oil or hazardous substances. Section 5005 requires that response plans for tank vessels operating in Prince William Sound, Alaska, and facilities permitted under the Trans-Alaska Pipeline Authorization Act provide for additional measures of oil spill preparedness. This action is considered significant because of substantial public interest and environmental considerations. This rulemaking covers tank vessel requirements. Facility requirements is a separate rulemaking under RIN 2155-AD82. The Coast Guard is utilizing a Regulatory Negotiation Rulemaking Committee to assist in this rulemaking. The initial meetings were held 8-10 January 1992.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/30/91	56 FR 43534
ANPRM	10/16/91	
Comment Period End		
NPRM	06/19/92	57 FR 27514
NPRM Correction Schedule of Open Meetings	07/01/92	57 FR 29354
	07/28/92	57 FR 33287
NPRM Comment Period End	08/03/92	
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Impact Analysis; Regulatory Flexibility Analysis; Regulatory Evaluation 06/19/92 (57 FR 27514)

**Additional Information:** The status of development of response plans was published 08/21/92 (57 FR 37920).

**Agency Contact:** CDR Borison, Project Manager, G-MS, Department of

Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6744

**RIN:** 2115-AD81

**2180. + LIFESAVING EQUIPMENT—IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)**

**Significance:** Agency Priority

**Legal Authority:** 46 USC 3306

**CFR Citation:** 46 CFR 199; 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. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM	03/01/85	
Comment Period End		
NPRM	04/21/89	54 FR 16198
NPRM Comment Period End	08/21/89	
Comment Period Reopened to 01/03/90	10/05/89	54 FR 41124
Public Hearing in Seattle	10/05/89	54 FR 41124
	10/17/89	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/21/89 (54 FR 16198)

**Additional Information:** CFR CITATION CONT: 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. This project has been delayed to allow time to develop a higher priority project.

**Agency Contact:** Mr. B. Berringer, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard,



DOT-USCG

Final Rule Stage

2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AB72

**2181. + LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-59A)**

**Significance:** Agency Priority

**Legal Authority:** 46 USC 2103; 46 USC 3703; 46 USC 8105

**CFR Citation:** 46 CFR 10; 46 CFR 15

**Legal Deadline:** None

**Abstract:** This project makes provision for the licensing of officers on mobile offshore drilling units and establishes manning standards for these vessels. This action is considered significant because of substantial public interest. Based on comments received, two SNPRMs were issued and the interim final rule revised.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/83	48 FR 35920
SNPRM	10/24/85	50 FR 43316
Interim Final Rule	10/16/87	52 FR 38660
Suspended Effective Date of Interim Final Rule	02/28/89	54 FR 8334
SNPRM Comment Period End 06/16/89	05/17/89	54 FR 21246
Extension of Comment Period to 7/31/89	06/20/89	54 FR 25381
Interim Final Rule	04/18/90	55 FR 14792
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/18/90 (55 FR 14792)

**Additional Information:** This project was split from Coast Guard Docket 81-059, Licensing of Maritime Personnel, which was completed under RIN 2115-AA64 (54 FR 125). The interim final rule effective date was suspended because the comments received indicated substantive revisions to the rule were necessary. The refined interim final rule of 04/18/90 withdrew the notice suspending the effective date and invited public comment through 06/18/90.

**Agency Contact:** Paul Eulich, Project Manager, G-MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0224

RIN: 2115-AB91

**2182. + SUBDIVISION AND DAMAGE STABILITY OF DRY CARGO VESSELS (CGD 87-094)**

**Significance:** Agency Priority

**Legal Authority:** 46 USC 3301

**CFR Citation:** 46 CFR 174

**Legal Deadline:** None

**Abstract:** This proposal would require dry cargo vessels to meet a minimum standard of subdivision and stability. This rulemaking is significant because of international implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/06/88	53 FR 11440
ANPRM Comment Period End	01/03/89	
Reopen ANPRM Comment Period	11/06/89	54 FR 46631
NPRM	07/22/92	57 FR 32624
NPRM Comment Period End	09/08/92	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 07/22/92 (57 FR 32624)

**Agency Contact:** LT Randall Gilbert, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2988

RIN: 2115-AC87

**2183. + IMPLEMENTATION OF THE COMMERCIAL FISHING-INDUSTRY VESSEL SAFETY ACT (88-079)**

**Significance:** Agency Priority

**Legal Authority:** 46 USC 4502; 46 USC 4506; 46 USC 6104(c); 46 USC 10603(b)

**CFR Citation:** 46 CFR 27; 46 CFR 28; 46 CFR 29

**Legal Deadline:** Final, Statutory, January 1, 1993.

**Abstract:** The Commercial Fishing Industry Act of 1988 requires the

Secretary of Transportation to prescribe regulations for certain safety equipment and vessel operating procedures. Subjects addressed by the rulemaking included: navigation, radio, firefighting, and lifesaving equipment, as well as fuel, ventilation, and electrical systems. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM of Consolidated RIN 2115-AC34	07/09/87	52 FR 25890
ANPRM Correction of Consolidated RIN 2115-AC34	08/10/87	52 FR 29556
ANPRM	12/29/88	53 FR 52735
ANPRM Comment Period End	02/27/89	53 FR 52735
ANPRM Extension of Comment Period	03/02/89	54 FR 8765
NPRM	04/19/90	55 FR 14924
NPRM Comment Period End	08/20/90	
Notice of Intent to Publish SNPRM	08/31/90	55 FR 35694
Final Action Except SNPRM Issues; Final Action Effective 09/15/91	08/14/91	56 FR 40364
Final Rule Correction	09/20/91	56 FR 47679
Correcting Amendments to Final Action of 08/14/91	01/06/92	57 FR 363
Interim Final Rule Immersion Suits	08/03/92	57 FR 34188
SNPRM To Address Stability and Other Small Fishing Vessel Issues	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/14/91 (56 FR 40364)

**Additional Information:** While the final rule addressed most areas of the NPRM, a SNPRM is being developed to address stability for vessels less than 79 feet in length, survival craft for



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vessels operating near shore with less than four persons on board, and exemptions for fisheries having high vessel density or of limited durations.

Coast Guard docket 86-024 titled Uninspected Fish-Processing Vessels (RIN 2115-AC34) has been incorporated into this project.

**Agency Contact:** CDR M. Rosecrans, Project Manager, G-MTH, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0177

**RIN:** 2115-AD12

#### 2184. + RECORDING OF INSTRUMENTS—VESSEL DOCUMENTATION (89-007)

**Significance:** Agency Priority

**Legal Authority:** 46 USC 313

**CFR Citation:** 46 CFR 67

**Legal Deadline:** None

**Abstract:** This project would streamline the documentation process by eliminating unnecessary forms, merging forms, and simplifying procedures. In addition, the proposal would establish a fee system such that vessel owners would pay only for those services actually received and necessary. This action is considered significant because of substantial public interest.

#### Timetable:

Action	Date	FR Cite
NPRM	03/26/92	57 FR 10544
NPRM; Fees	05/20/92	57 FR 21546
NPRM Comment Period End	06/24/92	
Final Rule; Citizenship	09/24/92	57 FR 44126
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/26/92 (57 FR 10544)

**Additional Information:** The Coast Guard has combined two related dockets, CGD 89-007 and CGD 89-008a. They will be carried under docket number CGD 89-007 and RIN 2115-AD60. This action should help to avoid confusion. RIN 2115-AD30, the first phase of this project, was a completed action in the April 1991 Agenda. Coast Guard published two separate NPRMs, one dealing with forms and procedures (CGD 89-007a) and one dealing with proposed fees (CGD 89-007b). These

will be combined at the final action as 89-007. In addition, the Coast Guard published a final rule reducing the need to submit declarations of citizenship, in order to provide immediate relief from this burden.

**Agency Contact:** Mr. T. Willis, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1492

**RIN:** 2115-AD60

#### 2185. + DOUBLE HULL STANDARDS FOR TANK VESSELS CARRYING OIL (90-051)

**Significance:** Agency Priority

**Legal Authority:** 33 USC 1903; 46 USC 3703a; PL 101-380

**CFR Citation:** 33 CFR 157

**Legal Deadline:** None

**Abstract:** The Oil Pollution Act of 1990 requires a double hull to be fitted on a tank vessel carrying oil. The Act does not provide technical standards for a double hull. This proposal would implement the requirements of the Act and establish technical standards. This rulemaking is significant because of substantial general, international, and congressional interest.

#### Timetable:

Action	Date	FR Cite
NPRM	12/05/90	55 FR 50192
NPRM Comment Period End	04/01/91	
NPRM Comment Period Reopened to 10/07/91	09/06/91	56 FR 44051
Notice of Availability of Impact Analysis	01/15/92	57 FR 1854
Interim Final Rule	08/12/92	57 FR 36222
Interim Final Rule Correction	09/03/92	57 FR 40494
Interim Final Rule Comment Period End	10/13/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/12/92 (57 FR 36222)

**Agency Contact:** Mr. S. Shapiro, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard,

2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

**RIN:** 2115-AD61

#### 2186. + PROGRAMS FOR CHEMICAL DRUG AND ALCOHOL TESTING OF COMMERCIAL VESSEL PERSONNEL (90-053)

**Significance:** Agency Priority

**Legal Authority:** 46 USC 2103; 46 USC 3308; 46 USC 7101; 46 USC 7301; 46 USC 7701

**CFR Citation:** 46 CFR 16

**Legal Deadline:** None

**Abstract:** This proposal would revise the conditions under which commercial vessel personnel may be excepted from pre-employment and periodic chemical testing for dangerous drugs, to provide relief from the unnecessary, repetitive testing required by the current rules. This proposal is considered significant because of substantial public interest.

#### Timetable:

Action	Date	FR Cite
NPRM	02/19/91	56 FR 6778
NPRM Correction	04/04/91	56 FR 13854
NPRM Comment Period End	04/05/91	
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 02/19/91 (56 FR 6778)

**Agency Contact:** LCDR T. Murphy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1421

**RIN:** 2115-AD63

#### 2187. + DRAWBRIDGE OPERATIONS REGULATIONS; POTOMAC RIVER, DISTRICT OF COLUMBIA (WOODROW WILSON BRIDGE) (90-064)

**Significance:** Agency Priority

**Legal Authority:** 33 USC 499

**CFR Citation:** 33 CFR 117

**Legal Deadline:** None

**Abstract:** At the request of State and local government officials, the Coast Guard is evaluating the operating regulations for the Woodrow Wilson Bridge, which crosses the Potomac River between Alexandria, VA, and



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Oxon Hill, MD, at mile 103.8. This action is considered significant because of substantial public interest in the operation of this bridge.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/91	56 FR 66326
Public Hearing Notice; Hearing Held 01/28/92	12/20/91	56 FR 66326
NPRM Comment Period End	02/03/92	
Interim Final Rule	05/27/92	57 FR 27171

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Impact Analysis; Regulatory Evaluation 12/20/91 (56 FR 66326)

**Additional Information:** This project was formerly entitled, Woodrow Wilson Bridge Operating Regulations. A number of temporary rules have been issued in order to evaluate the impacts of alternatives under consideration: 06/04/91 (56 FR 25369); 07/29/91 (56 FR 35816); 09/27/91 (56 FR 49145); 11/26/91 (56 FR 59880); 01/27/92 (57 FR 3008); 03/18/92 (57 FR 9386)

**Agency Contact:** Christina Barrett, Project Manager, G-NBR-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2317

**RIN:** 2115-AD71

**2188. + DIRECT USER FEES FOR MARINE LICENSING, CERTIFICATION OF REGISTRY, AND MERCHANT MARINER DOCUMENTATION (91-002)**

**Significance:** Agency Priority

**Legal Authority:** 31 USC 9701; 46 USC 2110

**CFR Citation:** 33 CFR 1; 46 CFR 10; 46 CFR 12

**Legal Deadline:** None

**Abstract:** Pursuant to the mandate of the Budget Reconciliation Act of 1990, the Coast Guard proposed to establish direct user fees for services it provides relating to issuing, renewing, or revising merchant mariner documents. The fees will be deposited in the U.S. Treasury, ascribed to U.S. Coast Guard activities. This action is significant because of substantial public interest and because

it is pursuant to a congressional mandate.

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/91	56 FR 28448
NPRM Comment Period End	08/05/91	
Comment Period Reopened to 02/18/82	12/18/91	56 FR 65786
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/20/91 (56 FR 28448)

**Agency Contact:** LT Kevin Gillespie, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6982

**RIN:** 2115-AD72

**2189. + CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (CGD 91-035)**

**Significance:** Agency Priority

**Legal Authority:** 33 USC 2713; 33 USC 2714

**CFR Citation:** 33 CFR 136

**Legal Deadline:** None

**Abstract:** This rulemaking will implement the provisions of the Oil Pollution Act of 1990 concerning claims, designation of the source of the discharge or threat of discharge of oil, notification of responsible parties, and advertisements of the discharge or threat of discharge. This rulemaking is a temporary, interim measure to provide relief for eligible claimants damaged by oil pollution or incurring costs as a result of oil removal, until a more comprehensive rule can be developed. The action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36314
Interim Final Rule Correction	09/09/92	57 FR 41104
Interim Final Rule Comment Period End	12/10/92	57 FR 36314

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/12/92 (57 FR 36314)

**Agency Contact:** Stephen H. Barber, Project Counsel, National Pollution Fund Center, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 703 235-4720

**RIN:** 2115-AD90

**2190. TANKERMEN (79-116)**

**Significance:** Nonsignificant

**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 78; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 154; 46 CFR 97; 46 CFR 15

**Legal Deadline:** None

**Abstract:** Rulemaking would redefine and establish more stringent qualifying criteria for individuals engaged in transporting and transferring various categories of oil and dangerous liquid cargoes. The Port and Tanker Safety Act of 1978 mandated the establishment of personnel qualification and manning standards for tank vessels. In addition, the International Convention on the Standards for Training, Certification, and Watchkeeping for Seafarers 1978 (STCW), has entered into effect and establishes international standards for tank vessel personnel qualifications. In view of the length of time since publication of the NPRM, a supplemental NPRM was issued.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
NPRM Comment Period End	03/18/81	
SNPRM; Comment Period End 01/16/90	10/17/89	54 FR 42624
Interim Final Rule	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/18/80 (45 FR 83268)

**Additional Information:** Former title: Qualifications of the Person in Charge of Oil Transfer Operations: Tankerman Requirements (79-116). Public meetings



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were held during January and February of 1981. Docket 79-116a (RIN 2115-AD18) has been included in this project and will no longer be listed as a separate Regulatory Agenda item.

**Agency Contact:** CDR Mike De Cesare, Project Manager, G-MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0224

**RIN:** 2115-AA03

#### 2191. 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:** This action would establish standards for Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. SNPRM addressed new comments received requesting that industry specifications be used and incorporated by reference.

#### Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
NPRM Comment Period End	06/03/82	
SNPRM; Comment Period End	01/09/91	56 FR 829
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/09/91 (56 FR 829)

**Agency Contact:** Mr. K. Wahle, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

**RIN:** 2115-AA08

#### 2192. 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 continue through 10/00/92: 300.

#### Timetable:

Action	Date	FR Cite
Total Actions Expected to End	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Margie Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, G-NSR-3, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

**RIN:** 2115-AA97

#### 2193. 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 continue through 10/00/92: 6.

#### Timetable:

Action	Date	FR Cite
Total Actions Expected to End	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Margie Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, G-NSR-3, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

**RIN:** 2115-AA98

#### 2194. INCORPORATION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA, 1974 (83-043)

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 1223; 46 USC 3703

**CFR Citation:** 46 CFR 50; 46 CFR 52; 46 CFR 56; 46 CFR 58; 46 CFR 51; 46 CFR 111

**Legal Deadline:** None

**Abstract:** This project would incorporate the provisions of chapters II-1, II-2, and V of the Safety of Life at Sea, 1974 International Convention (SOLAS 74). These provisions generally provide for acceptance of technology which is standard industry practice, such as use of plastic pipe in some places and common-rail bilge and ballast systems.

#### Timetable:

Action	Date	FR Cite
NPRM	09/28/90	55 FR 39638
NPRM Comment Period End	12/27/90	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/28/90 (55 FR 39638)

**Additional Information:** Formerly titled "Reassessment of Coast Guard Marine Engineering Regulations - Incorporation of SOLAS 74 Amendments"

**Agency Contact:** LCDR R. Dent, Project Manager, G-MTH-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2997

**RIN:** 2115-AB41

#### 2195. 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.



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## Timetable:

Action	Date	FR Cite
NPRM	11/13/89	54 FR 47234
NPRM Comment Period End	01/12/90	54 FR 47234
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
11/13/89 (54 FR 47234)

**Agency Contact:** R. Markle, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

**RIN:** 2115-AB70

### 2196. 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; 46 CFR 10

**Legal Deadline:** None

**Abstract:** Current regulations require installation of ARPA on certain ships to improve vessel and waterway safety. Training in the use of this equipment is necessary to ensure its proper application and maximum benefit. A very small percentage of licensed personnel (those manning vessels of 10,000 GT or larger) would be required to complete an ARPA training course. The course is expected to cost about \$400.00 per student.

## Timetable:

Action	Date	FR Cite
ANPRM	10/24/85	50 FR 43258
ANPRM Comment Period End	12/23/85	
NPRM	03/07/90	55 FR 8155
NPRM Comment Period End	06/05/90	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
03/07/90 (55 FR 8155)

**Agency Contact:** Ltjg Mark Williams, Project Manager, Department of Transportation, U.S. Coast Guard, G-MVP-3, 2100 Second Street SW.,

Washington, DC 20593-0001, 202 287-0214

**RIN:** 2115-AB99

### 2197. OIL POLLUTION PREVENTION, MARPOL ANNEX I (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
NPRM Comment Period End	03/24/86	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
02/07/86 (51 FR 4768)

**Additional Information:** Formerly entitled MARPOL Pollution Prevention Regulations.

**Agency Contact:** CDR W. Chubb, Project Manager, Department of Transportation, U.S. Coast Guard, G-MER-3, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0421

**RIN:** 2115-AC11

### 2198. UPDATING APPROVAL AND CARRIAGE REQUIREMENTS FOR BREATHING APPARATUS (86-036)

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 3306(a); 46 USC 3703; 46 USC 6101

**CFR Citation:** 46 CFR 77; 46 CFR 96; 46 CFR 108; 46 CFR 160; 46 CFR 164; 46 CFR 167; 46 CFR 195; 46 CFR 35.30-20

**Legal Deadline:** None

**Abstract:** Proposal would 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	07/30/90	55 FR 30935
NPRM Comment Period End	10/29/90	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
07/30/90 (55 FR 30935)

**Agency Contact:** LCDR Mark Grossetti, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

**RIN:** 2115-AC30

### 2199. UNINSPECTED VESSEL EMERGENCY POSITION INDICATING RADIO BEACONS (EPIRBs) (87-016)

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 4102

**CFR Citation:** 46 CFR 25; 46 CFR 26

**Legal Deadline:** None

**Abstract:** As a result of the passage of Public Law 100-540, EPIRBs will be required on each manned uninspected vessel operating on the high seas or beyond three miles from the coast line of the Great Lakes. On August 17, 1988 the Coast Guard published a rule to require EPIRBs on certain fishing vessels. This action would extend the requirements of the August 17th rule as required by PL 100-540.

## Timetable:

Action	Date	FR Cite
NPRM	04/19/90	55 FR 14922
NPRM Comment Period End	06/18/90	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/19/90 (55 FR 14922)

**Additional Information:** Although this action would extend the requirements of the August 17 rule for most of this class of vessels, in a separate action the Coast Guard suspended the effective date for owners of small



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vessels so as to avoid the cost of a Category 1 EPIRB while alternatives are considered for them (04/19/90, 55 FR 14920).

**Agency Contact:** LT(jg) Jendrossek, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC69

**2200. DELEGATION OF AUTHORITY TO AREA COMMANDERS WHEN FUNCTIONING AS MARITIME DEFENSE ZONE COMMANDERS (CGD 87-065)**

**Significance:** Nonsignificant

**Legal Authority:** 50 USC 191; 33 USC 1231

**CFR Citation:** 33 CFR 6

**Legal Deadline:** None

**Abstract:** Following the 1988 reorganization of the Coast Guard, Area Commanders do not have authority to establish security zones, control vessels, or perform other necessary actions. This rule would delegate that authority to the Area Commanders. Since this proposal deals with agency procedure, it will be issued as a final rule with no notice of proposed rulemaking.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Gary Chappell, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115-AC88

**2201. ANCHORAGE REGULATIONS (86-079)**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 471; 33 USC 2030; 33 USC 2035

**CFR Citation:** 33 CFR 165; 33 CFR 110

**Legal Deadline:** None

**Abstract:** This proposal would update the anchorage regulations by removing nonregulatory, obsolete or duplicative

language; by standardizing the anchorage description format; by publishing subparts A and B as two parts: Part 110--Special Anchorage Areas and Part 111--Anchorage Grounds.

**Timetable:**

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7949
NPRM Comment Period End	05/11/88	
SNPRM Expanding Revisions - Comments by	12/05/88	53 FR 48935
	02/03/89	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/11/88 (53 FR 7949)

**Agency Contact:** Margie Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, G-NSR-3, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

RIN: 2115-AC98

**2202. PERMITS FOR THE TRANSPORTATION OF MUNICIPAL AND COMMERCIAL WASTES (89-014)**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 2602

**CFR Citation:** 33 CFR 151

**Legal Deadline:** Final, Statutory, June 15, 1989.

See discussion in the Abstract.

**Abstract:** The Shore Protection Act of 1988 (33 USC 2501 et seq.) prohibits vessels from transporting municipal and commercial waste unless they have a permit and display a number. The Act requires the permit and number 240 days after enactment. This interim rule implemented these provisions of the Act and requested comments.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/24/89	54 FR 22546
Correction to Interim Final Rule	06/05/89	54 FR 24078

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/24/89 (54 FR 22546)

**Additional Information:** Further action on this proposal is awaiting legislative action which will eliminate certain problems with the existing legislation. This project was formerly known as Implementation of the Shore Protection Act of 1988.

**Agency Contact:** Janice Jackson, Project Manager, G-MEP-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6714

RIN: 2115-AD23

**2203. WAIVER OF CREWMEMBER CITIZENSHIP REQUIREMENTS (89-061)**

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 2103; 46 USC 3703; 46 USC 8105

**CFR Citation:** 46 CFR 15

**Legal Deadline:** None

**Abstract:** This interim final rule established a general waiver from crew member citizenship requirements (except for Master) with respect to offshore supply vessels from a foreign port and mobile offshore drilling units operating beyond the U.S. outer continental shelf.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/12/90	55 FR 1210

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/12/90 (55 FR 1210)

**Additional Information:** The interim final rule was effective 2/12/90 and comments were due 6/30/90.

**Agency Contact:** Mr. C. Young, Project Manager, G-MVP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0216

RIN: 2115-AD38

**2204. CHESAPEAKE BAY TRAFFIC SEPARATION SCHEME (90-039)**

**Significance:** Nonsignificant



DOT-USCG

Final Rule Stage

**Legal Authority:** 33 USC 1223(c)

**CFR Citation:** 33 CFR 161

**Legal Deadline:** None

**Abstract:** The Coast Guard conducted a study of the need for port access routes for the approaches to Chesapeake Bay, VA. (Notice of study results published July 13, 1989, 54 FR 29627). The study concluded that the southern approach part of the traffic separation scheme should be reconfigured to incorporate a proposed deep-water route for inbound and outbound vessel traffic. This proposal would implement that recommendation.

**Timetable:**

Action	Date	FR Cite
NPRM	09/06/90	55 FR 36666
NPRM Comment	11/06/90	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
09/06/90 (55 FR 36666)

**Agency Contact:** Margie Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, G-NSR-3, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

**RIN:** 2115-AD43

**2205. NATIONAL VESSEL TRAFFIC SERVICE (VTS) REGULATIONS (90-020)**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 1221

**CFR Citation:** 33 CFR 161

**Legal Deadline:** None

**Abstract:** This proposal would draw all the Vessel Traffic Service Regulations into one place in the CFR. It also would require all vessels subject to the "Bridge-to-Bridge Radiotelephone Act" operating in any U.S. port or harbor to comply with reporting procedures upon entry and while navigating in the VTS area.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/91	56 FR 36910
NPRM Correction	08/16/91	56 FR 40946
NPRM Comment	09/30/91	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/01/91 (56 FR 36910)

**Agency Contact:** Mr. B. Riley, Project Manager, G-NSP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0412

**RIN:** 2115-AD56

**2206. DRAWBRIDGE OPERATION REGULATIONS, WATERBORNE EMERGENCY (91-016)**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 499

**CFR Citation:** 33 CFR 117

**Legal Deadline:** None

**Abstract:** This action would amend the regulations which govern the Nation's drawbridges by requiring that emergency vessels and vessels in an emergency situation that have given the proper emergency signal be passed through an attended draw at any time.

**Timetable:**

Action	Date	FR Cite
NPRM	08/07/91	56 FR 37504
NPRM Comment	09/23/91	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/07/91 (56 FR 37504)

**Agency Contact:** Larry Tyssens, Project Manager, G-NBR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0376

**RIN:** 2115-AD77

**2207. REGULATED NAVIGATION AREA; PUGET SOUND, WASHINGTON (13-90-03)**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 1225; 33 USC 1231; 50 USC 191

**CFR Citation:** 33 CFR 165

**Legal Deadline:** None

**Abstract:** The Coast Guard has proposed to amend the regulations for the Regulated Navigation Area (RNA)

of Puget Sound. An SNPRM addressed changes subsequent to the NPRM.

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/90	55 FR 39986
NPRM Comment	11/15/90	
Period End		
SNPRM;	07/31/91	56 FR 36121
Comment		
Period End	08/30/91	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
07/31/91 (56 FR 36121)

**Agency Contact:** CDR Michael J. Haucke, Project Manager, USCG Puget Sound Vessel Traffic Service, Department of Transportation, U.S. Coast Guard, 1519 Alaskan Way South, Seattle, Washington 98134, 206 266-5640

**RIN:** 2115-AD86

**2208. REGULATED NAVIGATION AREA: PUGET SOUND AND STRAIT OF JUAN DE FUCA, WA; GRAYS HARBOR, WA; COLUMBIA RIVER AND WILLAMETTE RIVER, OR; YAQUINA BAY, OR; UMQUA RIVER, OR; COOS BAY, OR**

**Significance:** Nonsignificant

**Legal Authority:** 33 USC 1225; 33 USC 1231; 50 USC 191

**CFR Citation:** 33 CFR 165

**Legal Deadline:** None

**Abstract:** This action would require an emergency towline on tank barges while transiting certain port areas of the Pacific Northwest, to prevent discharges of oil or other hazardous substances during transport.

**Timetable:**

Action	Date	FR Cite
NPRM	10/24/91	56 FR 55104
NPRM Comment	01/07/92	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/24/91 (56 FR 55104)

**Agency Contact:** Cdr. W.O. Harper, Project Officer, Department of Transportation, U.S. Coast Guard,



DOT-USCG

Final Rule Stage

Thirteenth Coast Guard District, 915 Second Avenue, Seattle, WA 98174-1067, 206 553-1711  
 RIN: 2115-AE06

**2209. ● ESCORTS FOR CERTAIN TANKERS (91-202)**

**Significance:** Nonsignificant  
**Legal Authority:** PL 101-380; 46 USC 3703

**CFR Citation:** 46 CFR Not yet determined

**Legal Deadline:** None

**Abstract:** This rulemaking is to develop standards which implement section

4116(c) of the Oil Pollution Act of 1990. It will address the areas of Prince William and Puget Sounds where a two-vessel escort will be required, define other areas in U.S. waters where an affected tanker must have a two-vessel escort, identify other appropriate vessels in addition to towing vessels as defined in 46 USC 2101, and define the operational procedures for escorting.

**Timetable:**

Action	Date	FR Cite
NPRM	07/07/92	57 FR 30058
NPRM Comment Period End	09/08/92	
Next Action Undetermined		

**Small Entities Affected:** None  
**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/07/92 (57 FR 30058)

**Agency Contact:** J. C. Healy, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6755

RIN: 2115-AE10

**DEPARTMENT OF TRANSPORTATION (DOT) U.S. Coast Guard (USCG)**

Completed Actions

**2210. + GREAT LAKES PILOTAGE RATES, (89-104)**

**Significance:** Agency Priority  
**Legal Authority:** 46 USC 8105; 46 USC 9303; 46 USC 9304

**CFR Citation:** 46 CFR 401

**Legal Deadline:** None

**Abstract:** This action amended the Great Lakes Pilotage Regulations by increasing the basic pilotage rates. These changes were in order to increase the revenue received by the pilot organizations so that they may meet their operating costs pending development of a permanent rate methodology. This rulemaking was considered significant because it was of substantial public interest and controversial, and had international implications.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/91	56 FR 63911
NPRM Correction to Rate Table	12/12/91	56 FR 64839
NPRM Comment Period End	01/06/92	
Final Action	06/05/92	57 FR 23955

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/05/92 (57 FR 23955)

**Agency Contact:** Mr. J. Hartke, Project Manager, G-MVP-7, Department of Transportation, U.S. Coast Guard, 2100

Second Street SW., Washington, DC 20593-0001, 202 267-0217

RIN: 2115-AD47

**2211. ● + PROGRAMS FOR CHEMICAL DRUG AND ALCOHOL TESTING; DELAY OF IMPLEMENTATION DATE**

**Significance:** Agency Priority  
**Legal Authority:** 40 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701

**CFR Citation:** 40 CFR 16

**Legal Deadline:** None

**Abstract:** This action further extends the implementation date of required testing of employees on U.S. vessels in waters subject to the jurisdiction of a foreign government. This final rule is considered significant because of the substantial public interest in, and concern for, a drug-free transportation environment. Under this final rule, these employees must become subject to testing no later than 01/02/95.

**Timetable:**

Action	Date	FR Cite
Final Action	07/14/92	57 FR 31274

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/14/92 (57 FR 31274)

**Agency Contact:** LCDR Mark Grossetti, Project Manager, Marine Investigation Division, Department of Transportation,

U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1421

RIN: 2115-AD74

**2212. + ALCOHOL TESTING (92-018)**

**Significance:** Agency Priority  
**Legal Authority:** 46 USC 7701  
**CFR Citation:** 33 CFR 95; 46 CFR 4; 46 CFR 5; 46 CFR 16; 46 CFR 17 (New)  
**Legal Deadline:** None

**Abstract:** After a review of existing regulations, the Coast Guard has determined that this rulemaking is not necessary. This entry is, therefore, terminated. Coast Guard determined that its existing alcohol regulations at 33 CFR 95 and 46 CFR 4 appropriately address current needs for alcohol testing in the maritime industry. If it is determined in future that additional requirements are appropriate, a new rulemaking will be initiated.

**Timetable:**

Action	Date	FR Cite
Action Terminated	07/09/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** LCDR Mark Grossetti, G-MMI, Department of Transportation, U.S. Coast Guard, 2100 Second Street



DOT-USCG

Completed Actions

SW., Washington, DC 20593-0001, 202 267-1421

RIN: 2115-AE16

**2213. MANUFACTURER AND DEALER FIRST PURCHASER LIST REQUIREMENTS (77-115)**

Significance: Nonsignificant

Legal Authority: 46 USC 4310

CFR Citation: 33 CFR 179.01 to 179.19

Legal Deadline: None

**Abstract:** This rulemaking is intended to 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. The proposed action was withdrawn because State vessel numbering and registration information is available to boat manufacturers from most issuing authorities and can also be used for defect notification. Withdrawal will allow existing records to be utilized instead of increasing information and other paperwork burdens for boat and engine manufacturers and marine dealers.

**Timetable:**

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475
NPRM Comment Period End	02/27/81	
SNPRM	05/29/87	52 FR 20115
Comment Period Extended	12/17/87	52 FR 47950
Withdrawn	08/12/92	57 FR 36034

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/16/87 (52 FR 47950)

**Additional Information:** The former titles of this project were Defect Notification and First-Purchaser Information, then Dealer and First Purchaser List.

**Agency Contact:** Mr. Alston Colihan, Project Manager, G-NAB-6, Department of Transportation, U.S. Coast Guard,

2100 Second Street SW., Washington, DC 20593-0001, 202 267-0981

RIN: 2115-AA16

**2214. NAVIGATION ON CERTAIN WATERWAYS TRIBUTARY TO THE GULF OF MEXICO (85-096)**

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None

**Abstract:** This action was to revise and update the inland waterways navigation regulations for the Gulf Intracoastal Waterway from St. Marks, FL, to the Rio Grande River; certain frequently granted exemptions regarding length and width of tows were to be incorporated into the regulations. However, in view of comments received, the proposal was withdrawn. Granting universal permission for double-wide tows could create an increased threat of collision, environmental damage, and economic loss, a risk too great to accept.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/91	56 FR 48773
NPRM Comment Period Extended to	12/18/91	56 FR 65720
03/26/92		
NPRM Comment Period End	12/26/91	
Notice of Public Hearing	03/13/92	57 FR 74682
Extension of Comment Period to	03/27/92	
Notice of Public Hearing	04/22/92	57 FR 14682
Extension of Comment Period to	05/28/92	
Withdrawn	09/14/92	57 FR 41899

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/26/91 (56 FR 48773)

**Additional Information:** Formerly titled originally: Exemptions to Gulf Inland Waterway Regulations; then Gulf Inland Waterway Regulated Navigation Area. In response to requests, public hearings were held in various U.S. cities.

**Agency Contact:** Robert Robertson, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0405

RIN: 2115-AC03

**2215. STABILITY DESIGN AND OPERATIONAL REGULATIONS (89-037)**

Significance: Nonsignificant

Legal Authority: 46 USC 1333(d); 46 USC 3306; 46 USC 3703; 46 USC 5115; 50 USC 198

CFR Citation: 46 CFR 171; 46 CFR 32; 46 CFR 35; 46 CFR 78; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 167; 46 CFR 169; 46 CFR 170; 46 CFR 185; 46 CFR 196

Legal Deadline: Final, Statutory, April 29, 1990.

**Abstract:** This action added to the stability and operating regulations for all inspected U.S. flag vessels the requirements of recently adopted amendments to the Safety of Life at Sea (SOLAS) Convention of 1974. The amendments came into force on April 29, 1990. The amendments involve stability after damage, draft indicators, stability information, and the closing of cargo doors before going to sea.

**Timetable:**

Action	Date	FR Cite
NPRM	02/13/90	55 FR 5120
NPRM Comment Period End	04/16/90	
Final Action	09/11/92	57 FR 41812
Final Action Effective	12/10/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/11/92 (57 FR 41812)

**Additional Information:** This project was formerly titled Incorporation of New SOLAS Amendments on Stability.

**Agency Contact:** Ms. P. Carrigan, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2988

RIN: 2115-AD33



## DOT-USCG

## Completed Actions

**2216. VTS PRINCE WILLIAM SOUND  
AUTOMATED DEPENDENT  
SURVEILLANCE EQUIPMENT  
CARRIAGE REQUIREMENTS (91-032)**

Significance: Nonsignificant

Legal Authority: 33 USC 1221; 33 USC 2734

CFR Citation: 33 CFR 161

Legal Deadline: None

**Abstract:** This action amended 33 CFR 161.376, imposing an additional equipment carriage requirement for tank vessels transiting Prince William Sound, Alaska. The carriage rule implements automated dependent surveillance using a differential Global Positioning System (dGPS). This dependent surveillance system will automatically provide the Vessel Traffic Service Center (VTC) with accurate GPS position information on tankers throughout the VTS area.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/91	56 FR 48771
NPRM Comment Period End	11/12/91	
Final Action	07/17/92	57 FR 31661
Final Action Effective	08/17/92	

Small Entities Affected: None

Government Levels Affected: None

**Analysis:** Regulatory Evaluation  
07/17/92 (57 FR 31861)

**Agency Contact:** Bruce Riley, Project Manager, G-NSP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0412

RIN: 2115-AD79

**2217. HAZARDS TO NAVIGATION (91-031)**

Significance: Nonsignificant

Legal Authority: 14 USC 633; 33 USC 409; 42 USC 9118; 43 USC 1333; 33 USC 1231

CFR Citation: 33 CFR 64

Legal Deadline: None

**Abstract:** As a result of the passage of Public Law 101-599, it became necessary for the Coast Guard to define the meaning of the term "hazard to navigation". This regulation amends title 33, Code of Federal Regulations, part 64, to add that definition and a list

of factors to be considered in determining when an obstruction constitutes a hazard to navigation.

**Timetable:**

Action	Date	FR Cite
NPRM	09/23/91	56 FR 47930
NPRM Comment Period End	11/07/91	
Final Action	09/21/92	57 FR 43401
Final Action Effective	10/21/92	

Small Entities Affected: None

Government Levels Affected: None

**Analysis:** Regulatory Evaluation  
09/21/92 (57 FR 43401)

**Agency Contact:** Frank Parker, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0357

RIN: 2115-AD83

**2218. DESIGNATION OF AREAS FOR  
POLLUTION RESPONSE PLANNING**

Significance: Nonsignificant

Legal Authority: PL 101-380; 33 USC 1321

CFR Citation: 40 CFR 300

Legal Deadline: None

**Abstract:** This regulation designated the areas for which area committees are established under Section 311(j)(4) of the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	07/22/91	56 FR 33481
Final Action	04/24/92	57 FR 15201

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Mr. Gauvin, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6226

RIN: 2115-AE04

**2219. VESSEL COMMUNICATION  
EQUIPMENT REGULATIONS (91-046)**

Significance: Nonsignificant

Legal Authority: 33 USC 1201; PL 101-380

CFR Citation: 33 CFR 28

Legal Deadline: None

**Abstract:** This action requires all vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act of 1971 to be capable of transmitting and receiving on VHF FM Channel 22A while in U.S. navigable waters and on VHF FM Channel 67 while on certain portions of the lower Mississippi River.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/91	56 FR 58292
NPRM Comment Period End	01/17/92	
Final Action	04/21/92	57 FR 14483
Final Rule Correction	05/22/92	57 FR 21740
Final Action Effective	08/19/92	

Small Entities Affected: None

Government Levels Affected: None

**Analysis:** Regulatory Evaluation  
04/21/92 (57 FR 14483)

**Agency Contact:** LCDR Paul Jewell, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20592-0001, 202 267-6746

RIN: 2115-AE07

**2220. DELEGATION OF AUTHORITY  
UNDER OPA 90**

Significance: Nonsignificant

Legal Authority: 49 USC 322

CFR Citation: 49 CFR 1

Legal Deadline: None

**Abstract:** This action revised, removed, and amended sections of 49 CFR 1 to reflect delegations of authority to the USCG Commandant (as well as the Administrators of MARAD and RSPA) by the Secretary of Transportation, as vested in him by the Oil Pollution Act of 1990.

**Timetable:**

Action	Date	FR Cite
Final Action	03/11/92	57 FR 6581
Final Action Effective	03/11/92	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Jacqueline Sullivan, Oil Pollution Act Staff, Department of Transportation, U.S. Coast Guard, 2100



## DOT-USCG

## Completed Actions

Second Street SW., Washington, DC  
20593-0001, 202 267-6404

RIN: 2115-AE21

**2221. ● CIVIL AND CRIMINAL  
PENALTIES UNDER OPA 90 (CGD 92-  
007)**

**Significance:** Nonsignificant

**Legal Authority:** 46 USC 4302

**CFR Citation:** 46 CFR 1

**Legal Deadline:** None

**Abstract:** Parallel citations in the Federal regulations were updated to

reflect penalty revisions contained in the Oil Pollution Act of 1990 (OPA 90) relating to operating a vessel while intoxicated and to violating certain statutory provisions for prevention of pollution from ships.

**Timetable:**

Action	Date	FR Cite
Final Action	07/27/92	57 FR 33260

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
07/27/92 (57 FR 33260)

**Additional Information:** As this rulemaking is a technical amendment to existing regulations and no rights are affected since OPA 90 itself provides the bases, neither an NPRM with a comment period nor a delayed effective date is necessary.

**Agency Contact:** C. Vekert, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6220

RIN: 2115-AE23

## DEPARTMENT OF TRANSPORTATION (DOT)

## Proposed Rule Stage

## Federal Aviation Administration (FAA)

**2222. + FATIGUE EVALUATION OF  
STRUCTURE**

**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)

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This notice would propose to revise the fatigue requirements for damage-tolerant structures on transport category airplanes to require full-scale fatigue testing and to require that the thresholds for inspections be based on crack growth from initial flaws in the structure. These proposed changes are based on the service history of airplanes evaluated to the current damage tolerance requirements and are intended to ensure that, should serious fatigue damage occur within the operational life of the airplane, the remaining structure can withstand reasonable loads without failure until the damage is detected. This rulemaking is considered significant because of its safety implications and substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Project Number ANM-88-013R.

**Agency Contact:** Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2120

RIN: 2120-AD42

**2223. + FATIGUE TEST  
REQUIREMENTS FOR AGING  
AIRCRAFT**

**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)

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This notice would require full-scale fatigue testing on the current fleet of aging transport airplanes to two times their design service. If adopted, this rulemaking would apply to all turbine-powered transport category airplanes certified in any category. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number ANM-90-004R.

**Agency Contact:** Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2120

RIN: 2120-AD43

**2224. + REVISION OF PART 108,  
AIRPLANE OPERATOR SECURITY**

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g)

**CFR Citation:** 14 CFR 108

**Legal Deadline:** None

**Abstract:** This notice would propose to amend part 108 of the Federal Aviation Regulations to incorporate new requirements in response to worldwide terrorist activity. This rulemaking is considered significant because of its safety implications and substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
05/00/93



## DOT—FAA

## Proposed Rule Stage

**Additional Information:** Project Number ACS-87-107R.

**Agency Contact:** Karl Shrum, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3946

**RIN:** 2120-AD45

### 2225. + REVISION OF PART 107, AIRPORT SECURITY

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1358; 49 USC 1421; 49 USC 106(g)

**CFR Citation:** 14 CFR 107

**Legal Deadline:** None

**Abstract:** This notice would propose to amend part 107 of the Federal Aviation Regulations to incorporate new requirements in response to the worldwide terrorist activity. This rulemaking is considered significant because of its safety implications and substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/00/93

**Additional information:** Project Number ACS-87-106R.

**Agency Contact:** Robert Cammaroto, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7723

**RIN:** 2120-AD46

### 2226. + UNESCORTED ACCESS PRIVILEGE

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1354(a); 49 USC 1356; 49 USC 1357; 49 USC 1358 to 1421; 49 USC 106(g)

**CFR Citation:** 14 CFR 107; 14 CFR 108

**Legal Deadline:** Final, Statutory, April 24, 1992.  
Aviation Security Improvement Act of 1990

**Abstract:** This action proposed to establish regulations to implement criminal history records checks for air carrier and airport security employees. This rulemaking is considered significant because of substantial congressional and public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	02/13/92	57 FR 5352
NPRM Comment Period	03/12/92	57 FR 8834
Extended to	05/15/92	
NPRM Comment Period End	03/16/92	
Public Meetings Notice	04/09/92	57 FR 12396
SNPRM	09/18/92	57 FR 43294
Comment Period End	12/17/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 09/18/92 (57 FR 43294)

**Additional Information:** Project Number ACS-91-076R.

**Agency Contact:** Andrew V. Cebula, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8293

**RIN:** 2120-AE14

### 2227. + AGING AIRCRAFT SAFETY

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1501; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

**CFR Citation:** 14 CFR 39; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

**Legal Deadline:** Other, Statutory, April 24, 1992.

Aging Aircraft Safety Act of 1991; action must be initiated by 04/24/92.

**Abstract:** This notice would propose to require air carriers of certain aircraft used in air transportation to demonstrate that the aircraft's maintenance has been adequate to ensure the highest degree of safety.

This notice would propose to require air carriers of 15-year-old or older aircraft with a maximum certificated takeoff weight of 75,000 pounds or more to demonstrate that certain specified maintenance actions have been performed and to make the aircraft available to the Administrator of the FAA for inspection. This rulemaking is considered significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Additional Information:** Project Number AFS-92-029R.

**Agency Contact:** Frederick Sobek, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7355

**RIN:** 2120-AE42

### 2228. + ALCOHOL MISUSE PREVENTION PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES

**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 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 61; 14 CFR 121; 14 CFR 135

**Legal Deadline:** Final, Statutory, October 28, 1992.

Omnibus Transportation Employee Act of 1991

**Abstract:** This action would implement the FAA-related provisions of the Omnibus Transportation Employee Testing Act of 1991, which was enacted on October 28, 1991. By amending the Federal Aviation Act of 1958, Congress has imposed a statutory obligation on the Administrator of the FAA to prescribe regulations that, among other things, establish an alcohol testing program for air carrier employees who perform safety-sensitive duties.



DOT-FAA

Proposed Rule Stage

This action would also propose to prohibit certain alcohol-related conduct by covered air carrier employees and would require pre-employment, random, reasonable suspicion, post-accident, and follow-up testing to detect and deter such conduct. This rulemaking is considered significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Project Number AAM-92-028R.

**Agency Contact:** William R. McAndrew, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 366-6583

**RIN:** 2120-AE43

**2229. ● + PART 61 - PHASE II**

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1422; 49 USC 1427; 49 USC 106(g)

**CFR Citation:** 14 CFR 61

**Legal Deadline:** None

**Abstract:** This action would update and revise Part 61, Certification: Pilots and Flight Instructors; Part 141, Pilots Schools; and Part 143, Ground Instructors. In order to be more compatible with the current operating environment and evolving demands of the national airspace system, this action would update training, certification, and recency-of-experience requirements. It is considered significant because of substantial public interest in pilot and instructor certification and training issues.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/00/93

**Additional Information:** Project Number: AFS-90-025-R. Rin No. AD59 entitled, "Operations Over the High Seas and Within the North Atlantic Minimum Navigation Performance Specification Airspace," has been incorporated into this document (previous project Number: AFS-89-175R).

**Agency Contact:** John Lynch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3841

**RIN:** 2120-AE71

**2230. + REVISION OF MEDICAL STANDARDS AND CERTIFICATION PROCEDURES**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427

**CFR Citation:** 14 CFR 67

**Legal Deadline:** None

**Abstract:** This notice would revise the medical standards and the medical certification procedures of the Federal Aviation Regulations. This action follows the completion of a comprehensive review of the medical standards which was announced in previous notices. If adopted, these revised standards for airman medical certification and associated administrative procedures will better provide for safety in the aviation system and reflect current medical knowledge, practice, and terminology. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/00/93

**Additional Information:** The FAA contracted with the American Medical Association (AMA) on August 29, 1983, to develop a comprehensive report which was 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, 1988 (51 FR 19040). RIN 2120-AB13 has been combined into this review. Project No. AAM-82-288R.

**Agency Contact:** Dennis P. McEachen, Special Projects Officer, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3428

**RIN:** 2120-AA70

**2231. + AIRCRAFT FLIGHT SIMULATOR USE IN PILOT TRAINING, TESTING, AND CHECKING AND AT TRAINING CENTERS**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1355; 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 106(g); ...

**CFR Citation:** 14 CFR 61; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135; 14 CFR 141; 14 CFR 142

**Legal Deadline:** None

**Abstract:** This action would amend the pilot and flight instructor certification rules to include additional use of aircraft flight simulators and flight training devices for pilot training, testing, and checking. This notice also would propose a new Part 142 that would govern a new concept called training centers. This new concept will emphasize the use of flight simulators in training applicants for pilot certificates. This rulemaking is considered significant because of substantial public interest; it involves a major change in the way industry trains applicants.

**Timetable:**

Action	Date	FR Cite
NPRM	08/11/92	57 FR 35888
NPRM Comment	12/09/92	

Period End

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/11/92 (57 FR 35888)



DOT-FAA

Proposed Rule Stage

**Additional Information:** This project was formerly entitled "Aircraft Simulator Use in Airman Training and Certification." Project Number AFS-83-105R.

**Agency Contact:** Warren Robbins, Manager, Regulations Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8150

RIN: 2120-AA83

**2232. + STANDARDS FOR APPROVAL OF A WET RUNWAY REDUCED V1 METHODOLOGY AND IMPROVED TAKEOFF AND LANDING BRAKING PERFORMANCE**

**Significance:** Agency Priority

**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 notice proposed to amend parts 25, 121, and 135 of the Federal Aviation Regulations 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. In view of the comments received in response to this notice, a supplemental notice of proposed rulemaking will be issued. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45578
NPRM Comment Period End	03/30/88	
SNPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 11/30/87 (52 FR 45578)

**Additional Information:** This project was formerly entitled "Standards for Approval of a Reduced V1 Methodology for Takeoff on Wet and Contaminated Runways." Project Number ANM-83-030R.

**Agency Contact:** Bill Boxwell, Flight Tests and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2111

RIN: 2120-AB17

**2233. + PASSENGER-CARRYING AND CARGO AIR OPERATIONS FOR COMPENSATION OR HIRE**

**Significance:** Agency Priority

**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 1485; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

**CFR Citation:** 14 CFR 119; 14 CFR 121; 14 CFR 125; 14 CFR 127; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This notice proposed to amend the Federal Aviation Regulations to update, clarify, and consolidate into one part, new Part 119, the certification and operations specifications requirements for persons who conduct passenger-carrying or cargo-carrying air operations for compensation or hire. Significant changes included defining what must be included in operations specifications; defining "scheduled" and "domestic" operations; increasing the lead-time period for application for a certificate; defining a "wet lease" operation; including in the regulations criteria to determine who has operational control of an operation; and standardizing the requirements and qualifications for management personnel. This action is needed to establish permanent minimum safety standards following the "sunset" of the Civil Aeronautics Board on December 31, 1984, and the enactment of the Airline Deregulation Act of 1978. This action would also replace SFAR 38, as amended, which has provided interim certification and operations specifications regulation. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/12/88	53 FR 39852
NPRM Comment Period End	01/10/89	

Action	Date	FR Cite
Comment Period Reopened To	04/17/90	55 FR 14404
	05/17/90	
SNPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 10/12/88 (53 FR 39852)

**Additional Information:** Project No. AFS-84-190R. The FAA has determined that an SNPRM should be issued to propose a different definition for "scheduled operation."

**Agency Contact:** Gary Davis, Air Transportation Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3750

RIN: 2120-AC08

**2234. + REPAIR STATION AND REPAIRMEN CERTIFICATION RULES**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1427

**CFR Citation:** 14 CFR 43; 14 CFR 65; 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. The FAA has held four public meetings to solicit information and views to review the existing regulations and to explore alternatives in revising the rules of this part. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Notice of Public Meetings	07/24/89	54 FR 30866
Notice Correction	08/08/89	54 FR 32563
NPRM	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None



DOT-FAA

Proposed Rule Stage

**Analysis:** Regulatory Evaluation  
10/00/93

**Additional Information:** Project No. AFS-87-045R. This project was formerly entitled Review and Revision of Repair Station Requirements.

**Agency Contact:** Leonard Coip, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8233

RIN: 2120-AC38

**2235. + PARTS 121 AND 135— TRAINING, CHECKING, CERTIFICATION, AND QUALIFICATIONS REQUIREMENTS**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

**CFR Citation:** 14 CFR 61; 14 CFR 63; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action would revise and upgrade the parts 121 and 135 training, checking, certification, and qualification requirements, including cockpit resource management. In addition, commuter air carriers conducting Part 135 commuter operations in airplanes that require two pilots would be required to meet the proposed upgraded Part 121 requirements. This action is in response to recommendations of the joint Government/Industry Task Force on Flight Crew Performance and is significant because of its safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
12/00/92

**Additional Information:** Project No. AFS-88-301R.

**Agency Contact:** Gary Davis, Regulations Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800

Independence Avenue SW., Washington, DC 20591, 202 267-3747

RIN: 2120-AC79

**2236. + INSTALLATION OF CRASHWORTHY FUSELAGE FUEL TANKS AND FUEL LINES**

**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; PL 100-591

**CFR Citation:** 14 CFR 25

**Legal Deadline:** NPRM, Statutory, February 3, 1989. Public Law 100-591, Aviation Safety Research Act of 1988.

**Abstract:** This preliminary action was initiated to determine the feasibility of installing, in all air carrier aircraft, crashworthy fuselage fuel tanks and fuselage fuel lines which are rupture resistant and which disconnect and seal in the event of an accident. This notice solicited public participation in identifying and selecting a regulatory course of action by inviting interested persons to submit specific comments and arguments concerning this proposed regulatory action. This rulemaking is considered significant because of a statutory requirement.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/02/89	54 FR 18824
ANPRM	10/30/89	
Comment		
Period End		
NPRM	06/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Project No. ANM-89-005R.

**Agency Contact:** Mike McRae, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2133

RIN: 2120-AC87

**2237. + SOLE RADIO NAVIGATION SYSTEM; MINIMUM STANDARDS FOR CERTIFICATION**

**Significance:** Agency Priority

**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:** Final, Statutory, September 30, 1989. Airway Safety and Capacity Expansion Act of 1987 (PL 100-223)

**Abstract:** This notice proposed to establish minimum standards under which a radio navigation system may be certified as the sole radio navigation system required in an aircraft conducting Instrument Flight Rules en route and terminal area operations, including nonprecision approach, in controlled airspace in the United States. This notice was developed in response to the Airport and Airway Safety and Capacity Expansion Act of 1987. This rulemaking is considered significant because of a congressional mandate.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/22/90	55 FR 2206
ANPRM	05/22/90	
Comment		
Period End		
NPRM	11/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Project No. AFS-89-215-R. This project was formerly entitled Sole Means Radio Navigation System.

**Agency Contact:** James Crowling, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-5215

RIN: 2120-AD26

**2238. + AIRWORTHINESS STANDARDS; OCCUPANT PROTECTION STANDARDS FOR COMMUTER CATEGORY AIRPLANES**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49



DOT-FAA

Proposed Rule Stage

USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This notice would propose to amend the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes by upgrading the requirements for both seat/restraint systems and for flammability standards for seat cushions used in commuter category airplanes. These amendments are needed to improve the occupant protection provisions for these types of airplanes. These new requirements would result in a level of safety commensurate with that provided by the seat/restraint requirements and the flammability standards for transport category airplanes. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Project No. ACE-87-014-R. This project was formerly entitled Improved Seat Safety Standards for Commuter Category Airplanes.

**Agency Contact:** Joseph Snitkoff, Standards Office, Small Airplane Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-5688

**RIN:** 2120-AD27

**2239. + ALLOWABLE CARBON DIOXIDE CONCENTRATION IN TRANSPORT CATEGORY AIRPLANE CABINS**

**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)

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This rulemaking has been established in order to review part 25 of the Federal Aviation Regulations to

determine if the current allowable concentration of carbon dioxide in the airplane cabin and flight deck is appropriate in light of standards established for air quality in buildings occupied by the general public and with workplace exposure limits adopted by other regulatory agencies. This rulemaking is considered significant because of the safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** This project was formerly entitled "Carbon Dioxide Concentration." Project Number ANM-87-017R.

**Agency Contact:** Bob McCracken, Flight Test and Systems Branch, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2118

**RIN:** 2120-AD47

**2240. + ALTERNATIVE MEANS OF COMPLIANCE**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1341(a); 49 USC 1343(d); 49 USC 1348; 49 USC 1354(a); 49 USC 1401 to 1405; 49 USC 1421 to 1431; 49 USC 1481; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 11

**Legal Deadline:** None

**Abstract:** This action would revise the Federal Aviation Regulations to provide for the granting of relief from the literal compliance with certain rules provided the applicant justifies this relief and that the FAA finds that the provisions not complied with are compensated for by factors that have an equivalent level of safety or that there will be no adverse effect on safety.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number ARM-90-045R. Formerly titled "Exemption Process."

**Agency Contact:** Linda Williams, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8685

**RIN:** 2120-AD68

**2241. + ANTI-DRUG PROGRAM; CONSOLIDATED AMENDMENTS**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This notice would propose revisions to certain provisions of the FAA's anti-drug rule in order to clarify the responsibilities of the employer and the medical review officer under the rule. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number AAM-90-302R.

**Agency Contact:** Julie Murdoch, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8299

**RIN:** 2120-AD67

**2242. + PROTECTIVE BREATHING EQUIPMENT; CARGO-ONLY AIRPLANES**

**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 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)



DOT—FAA

Proposed Rule Stage

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This notice would propose to revise the Federal Aviation Regulations governing portable protective breathing equipment (PBE) required for crewmembers' use in combatting in-flight fires. This notice would address concerns and issues identified by the Air Transport Association and several operators regarding required portable PBE for cargo-only operations. This notice also would clarify the Federal Aviation Regulations governing required portable PBE in passenger compartments. This rulemaking is considered significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Project Number AFS-90-324R.

**Agency Contact:** Donell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

**RIN:** 2120-AD74

**2243. + PROTECTIVE BREATHING EQUIPMENT; FIRE DRILLS**

**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 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This action would amend the current regulations requiring Part 121 crewmembers to perform an approved firefighting drill using protective breathing equipment. The objective of this proposed amendment is to ensure that each crewmember accomplishes a firefighting drill in which the crewmember combats an actual fire in addition to, or combined with, a

protective breathing equipment drill. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/92	57 FR 38718
NPRM Comment	10/26/92	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/26/92 (57 FR 38718)

**Additional Information:** Project Number AFS-90-325R.

**Agency Contact:** Donell Pollard, Regulations Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

**RIN:** 2120-AD76

**2244. + CREW PAIRING REQUIREMENTS**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This notice would propose to establish minimum experience levels for cockpit crew pairing. This notice would propose guidelines for initial operating experience and specify operating restrictions when the second in command has fewer than 100 hours of flight time. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Project Number AFS-91-004R.

**Agency Contact:** Larry Youngblut, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

**RIN:** 2120-AD88

**2245. + CHILD RESTRAINT SYSTEMS**

**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 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This notice would propose to amend several sections of the Federal Aviation Regulations related to the seating and restraint of children in child restraint systems. This notice would propose to facilitate the use of more child restraint systems in aircraft, which would increase the safety of children aboard aircraft. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Project Number AFS-90-323R.

**Agency Contact:** Donell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

**RIN:** 2120-AD90

**2246. + ESTABLISH POWERED ULTRALIGHT VEHICLES STANDARDS**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1422; 49 USC 1423; 49 USC 106(g)

**CFR Citation:** 14 CFR 103

**Legal Deadline:** None



DOT-FAA

Proposed Rule Stage

**Abstract:** This notice would propose to amend the standards for powered ultralight vehicles in the areas of registration, airworthiness, and pilot certification. In amending these standards, the recreational nature of ultralight operations would be taken into consideration. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number AFS-88-234P.

**Agency Contact:** William Cook, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3340

**RIN:** 2120-AE12

**2247. + NOTIFICATION TO AIR TRAFFIC CONTROL (ATC) OF DEVIATIONS FROM ATC CLEARANCES AND INSTRUCTIONS IN RESPONSE TO TRAFFIC ALERT AND COLLISION AVOIDANCE SYSTEM RESOLUTION ADVISORIES**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 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 106(g)

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This final rule would clarify the responsibility of a pilot in command to advise an air traffic controller of any deviation from an air traffic control clearance or instruction when responding to a traffic alert and collision avoidance system resolution advisory. This action is considered significant because of its safety implications

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number ATP-89-354P.

**Agency Contact:** Richard K. Kagehiro, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8783

**RIN:** 2120-AE31

**2248. + FIRE-BLOCKING MATERIAL FOR PART 135 AIRPLANE SEATS**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 135

**Legal Deadline:** None

**Abstract:** This notice would propose to amend part 135 of the Federal Aviation Regulations to require the use of fire-blocking materials in passenger seats. This proposal is the result of a National Transportation Safety Board Recommendation. This rulemaking is considered significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/00/92

**Additional Information:** Project Number ACE-91-001R.

**Agency Contact:** Victor Sokoloski, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 610 East 12th Street, Kansas City, Missouri 64106, 816 426-5688

**RIN:** 2120-AE33

**2249. + ACCESS INTO THE COCKPIT**

**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 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This notice would propose to revise part 121 of the Federal Aviation Regulations by allowing air traffic control specialists to ride on the cockpit jumpseat in nonpassenger-carrying air carrier operations. This action is significant because of anticipated substantial public interest.

**Timetable:**

Action	Date	FR Cite
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NPRM 06/00/93

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/00/93

**Additional Information:** Project Number AFS-91-207R.

**Agency Contact:** Donell Pollard, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

**RIN:** 2120-AE35

**2250. + EMERGENCY LOCATOR TRANSMITTER REPLACEMENT**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This notice would require the replacement of emergency locator transmitters (ELT's) on U.S.-registered airplanes with improved ELT's that meet the requirements of revised technical standard order number TSO-C91. This proposal is prompted by unsatisfactory performance of ELT's manufactured under the original technical standard order. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None



DOT-FAA

Proposed Rule Stage

**Analysis:** Regulatory Evaluation  
12/00/92

**Additional Information:** Project Number  
AIR-91-160R.

**Agency Contact:** Phil Akers, Aircraft  
Engineering Division, Aircraft  
Certification Service, Department of  
Transportation, Federal Aviation  
Administration, 800 Independence  
Avenue SW., Washington, DC 20591,  
202 267-9571

**RIN:** 2120-AE36

### 2251. + DRUG TESTING IN THE WORKPLACE

**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  
1472; 49 USC 1485; 49 USC 1502; 49 USC  
106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** This notice would propose to  
amend the FAA's drug testing rule to  
require regulated aviation employers to  
submit semiannual and annual antidrug  
program reports in a manner which is  
standardized among all Department of  
Transportation operating  
administrations. This rulemaking action  
is considered significant because of  
substantial public and industry interest.

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Project Number  
AAM-91-314R.

**Agency Contact:** Steve Hecht, Drug  
Abatement Branch, Office of Aviation  
Medicine, Department of  
Transportation, Federal Aviation  
Administration, 800 Independence  
Avenue SW., Washington, DC 20591,  
202 267-6711

**RIN:** 2120-AE40

### 2252. ● + PROPOSED ALTERATION OF THE DENVER TERMINAL CONTROL AREA, COLORADO

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1348(a); 49  
USC 1354(a); 49 USC 1510; 49 USC  
106(g)

**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** This action would alter the  
Denver, Colorado, terminal control area  
to coincide with the relocation of the  
new Denver International Airport. It  
would also propose to raise the upper  
limits of the terminal control area to  
12,500 feet mean sea level to enable air  
traffic control to provide terminal air  
traffic control service to arriving and  
departing turbojet aircraft in a terminal  
control environment throughout  
transition to and from the en route  
structure. This rulemaking is considered  
significant because of substantial public  
interest.

#### Timetable:

Action	Date	FR Cite
NPRM	08/26/92	57 FR 38724
NPRM Comment	10/26/92	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/26/92 (57 FR 38724)

**Additional Information:** Project Number  
ATP-91-310T.

**Agency Contact:** Alton D. Scott,  
Airspace and Obstruction Evaluation  
Branch, Department of Transportation,  
Federal Aviation Administration, 800  
Independence Avenue SW.,  
Washington, DC 20591, 202 267-9252

**RIN:** 2120-AE46

### 2253. ● + REDUCED ALTITUDE SEPARATION

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1301(7); 49  
USC 1303; 49 USC 1344; 49 USC 1348; 49  
USC 1352 to 1355; 49 USC 1401; 49 USC  
1421 to 1431; 49 USC 1471 to 1472; 49  
USC 1502; 49 USC 1510; 49 USC 1522; 49  
USC 2121 to 2125; EO 11514; 49 USC  
106(g); 49 USC 1321 et seq

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** In the 1950's, a vertical  
separation minimum of 2,000 feet was  
established for use between aircraft  
operating above flight level 290.  
Reducing the 2,000-foot separation  
requirement to 1,000 feet would

increase flight level availability,  
increase en route airspace capacity,  
enable aircraft to fly at more fuel  
efficient altitudes, and increase air  
traffic controller flexibility. This action  
is considered significant because of  
substantial public interest.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
05/00/93

**Additional Information:** Project  
Number: AFS-92-279R

**Agency Contact:** Roy Grimes,  
Technical Programs Division, Flight  
Standards Service, Department of  
Transportation, Federal Aviation  
Administration, 800 Independence  
Avenue SW., Washington, DC 20591,  
202 267-3755

**RIN:** 2120-AE51

### 2254. ● + JAR/FAR HARMONIZATION INITIATIVES - SYSTEMS

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1344; 49 USC  
1354(c); 49 USC 1355; 49 USC 1421; 49  
USC 1423; 49 USC 1425; 49 USC 1428; 49  
USC 1429; 49 USC 1430; 49 USC 106(g);  
PL 97-449

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This notice would propose to  
amend, if necessary, Part 23 of the  
Federal Aviation Regulations to provide  
unity between the Federal Aviation  
Regulations airworthiness standards  
and the comparable Joint Airworthiness  
Regulations. Differences between FAA  
regulations and other nations'  
requirements impose a heavy burden on  
U.S. aircraft manufacturers and  
operators. This rulemaking is significant  
because it would propose to harmonize  
the various regulations currently  
existing worldwide, in order to reduce  
this problem.

#### Timetable:

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None



DOT-FAA

Proposed Rule Stage

**Analysis:** Regulatory Evaluation  
07/00/93

**Additional Information:** Project  
Number: ACE-90-013-R.

**Agency Contact:** Joseph Snitkoff,  
Central Regional Headquarters,  
Department of Transportation, Federal  
Aviation Administration, 601 East 12th  
Street, Kansas City, MO 64106, 816 426-  
5699

**RIN:** 2120-AE59

### 2255. ● + JAR/FAR HARMONIZATION INITIATIVES - PROPULSION

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1344; 49 USC  
1354(a); 49 USC 1355; 49 USC 1421; 49  
USC 1423; 49 USC 1425; 49 USC 1428; 49  
USC 1429; 49 USC 1430; 49 USC 106(g);  
PL 97-449

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This notice would propose to  
amend, if necessary, Part 23 of the  
Federal Aviation Regulations to provide  
unity between the Federal Aviation  
Regulations airworthiness standards  
and the comparable Joint Airworthiness  
Regulations. Difference between FAA  
regulations and other nations'  
requirements impose a heavy burden on  
U.S. aircraft manufacturers and  
operators. This rulemaking is significant  
because it would propose to harmonize  
the various regulations currently  
existing worldwide, in order reduce this  
problem.

#### **Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project  
Number: ACE-92-012-R.

**Agency Contact:** Frank Stogsdill,  
Central Region Headquarters,  
Department of Transportation, Federal  
Aviation Administration, 601 East 12th  
Street, Kansas City, Mo 64106, 816 426-  
6941

**RIN:** 2120-AE60

### 2256. ● + JAR/FAR HARMONIZATION INITIATIVES - FLIGHT

**Significance:** Agency Priority

**Legal Authority:** 49 USC 134; 49 USC  
1354(a); 49 USC 1355; 49 USC 1421; 49  
USC 1423; 49 USC 1425; 49 USC 1428; 49  
USC 1429; 49 USC 1430; 49 USC 106(g);  
PL 97-449

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This notice would propose to  
amend, if necessary, Part 23 of the  
Federal Aviation Regulations to provide  
unity between Federal Aviation  
Regulations airworthiness standards  
and the comparable Joint Airworthiness  
Regulations. Differences between FAA  
regulations and other nations'  
requirements impose a heavy burden on  
U.S. aircraft manufacturers and  
operators. This rulemaking is significant  
because it would propose to harmonize  
the various regulations currently  
existing worldwide, in order to reduce  
this problem.

#### **Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project  
Number: ACE-92-013-R

**Agency Contact:** Frank Stogsdill,  
Central Region Headquarters,  
Department of Transportation, Federal  
Aviation Administration, 601 East 12th  
Street, Kansas City, MO 64106, 816 426-  
6941

**RIN:** 2120-AE61

### 2257. ● + JAR/FAR HARMONIZATION INITIATIVES - AIRFRAME

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1344; 49 USC  
1354(a); 49 USC 1355; 49 USC 1421; 49  
USC 1423; 49 USC 1425; 49 USC 1428; 49  
USC 1429; 49 USC 1430; 49 USC 106(g);  
PL 97-449

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This notice would propose to  
amend, if necessary Part 23 of the  
Federal Aviation Regulations to provide  
unity between Federal Aviation  
Regulations airworthiness standards  
and the comparable Joint Airworthiness  
Regulations. Differences between FAA  
regulations and other nations'  
requirements impose a heavy burden on  
U.S. aircraft manufacturers and

operators. This rulemaking is significant  
because it would propose to harmonize  
the various regulations currently  
existing worldwide, in order to reduce  
this problem.

#### **Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project  
Number: ACE-92-014-R.

**Agency Contact:** Ken Payauys, Central  
Region Headquarters, Department of  
Transportation, Federal Aviation  
Administration, 601 East 12th Street,  
Kansas City, MO 64106, 816 426-5688

**RIN:** 2120-AE62

### 2258. ● + AIRPORT LAND USE COMPATIBILITY PLANNING - PROPOSED REVISIONS

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1348; 49 USC  
1354(a); 49 USC 1421; 49 USC 1431; 49  
USC 2101 to 2103(a); 49 USC 2104(a); 49  
USC 2104(b); 49 USC 2201 et seq; 49  
USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 150

**Legal Deadline:** None

**Abstract:** This notice would propose  
revisions to the requirements for  
developing noise exposure maps and  
noise compatibility program and  
submitting them for FAA approval. The  
revisions are intended to expedite and  
simplify the Part 150 process. Under the  
revised process, the mandatory set of  
noise abatement measures which are  
presently required to be considered by  
each a airport sponsor would be limited  
in scope depending on the  
characteristics of each airport and its  
surrounding community. The new  
process would be supported by  
appropriated guidance, training, review,  
standardization, and consultation  
requirements. This project is considered  
significant because of substantial public  
interest.

#### **Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None



DOT—FAA

Proposed Rule Stage

**Additional Information:** Project Number: AEE-90-410R.

**Agency Contact:** Allen Trickey, Policy and Regulations Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3496

**RIN:** 2120-AE64

**2259. ● + RELIEF FROM TRANSPONDER-ON REQUIREMENT FOR AIRCRAFT WITH LIMITED ELECTRICAL SYSTEMS**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471 to 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321 et seq; EO 11514

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This notice would propose to revise the authorization allowing operation of an aircraft with transponder-off under certain conditions. This revision would eliminate the need to request an exemption. This action would exclude older aircraft-gliders from transponder-on requirements when operated outside certain areas. This action is considered significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/00/93

**Additional Information:** Project Number: ATP-90-341R.

**Agency Contact:** Aaron Boxer, Air Traffic Rules and Procedure Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8793

**RIN:** 2120-AE67

**2260. ● + PRODUCTION CERTIFICATE MODERNIZATION**

**Significance:** Agency Priority

**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 106(g); EO 11514

**CFR Citation:** 14 CFR 21

**Legal Deadline:** None

**Abstract:** This notice would propose to standardize the production quality control systems requirements in Part 21 of the Federal Aviation Regulations. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/00/93

**Additional Information:** Project Number: AIR-89-048R.

**Agency Contact:** Andy Lown, Production Certification Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9540

**RIN:** 2120-AE74

**2261. REVIEW OF PART 47, AIRCRAFT REGISTRATION, AND PART 49, RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354; 49 USC 1401; 49 USC 1403; 49 USC 1405; 49 USC 1406; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 47; 14 CFR 49

**Legal Deadline:** None

**Abstract:** This notice would propose to update parts 47 and 49 of the Federal Aviation Regulations to reflect changes in the law, legal interpretations, other recent rulemaking actions, and the FAA's current aircraft registry practices. The intent of these proposed changes is to articulate, modernize, and simplify the existing regulations rather than alter established procedures.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number AVN-89-201R.

**Agency Contact:** Agnes Jones, Aviation Standards National Field Office, Department of Transportation, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur, Oklahoma City, Oklahoma 73125, 405 680-7357

**RIN:** 2120-AC17

**2262. FUEL SYSTEM VENT FIRE PROTECTION**

**Significance:** Nonsignificant

**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 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 25; 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This notice would propose to amend the airworthiness standards for transport category airplanes to require fuel vent system protection during post-crash ground fires. This proposed rule would apply to air carriers, air taxi operators, and commercial operators of transport category airplanes, as well as the manufacturers of such airplanes.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 33078
ANPRM	01/25/85	
Comment Period End		
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/00/93

**Additional Information:** Docket 24251. Formerly entitled Implementation of SAFER Propulsion System Recommendations. Project No. ANM-82-050R.

**Agency Contact:** Mike McRae, Department of Transportation, Federal



DOT-FAA

Proposed Rule Stage

Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2116

RIN: 2120-AA49

**2263. COMPOSITE PROPELLERS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354(a); 49 USC 1421; 49 USC 1423; 49 USC 106(g)

**CFR Citation:** 14 CFR 35

**Legal Deadline:** None

**Abstract:** This notice would revise part 35 of the Federal Aviation Regulations to add requirements for composite propellers to include environmental effects in fatigue evaluation, bird impact, and lightning protection.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/00/93

**Additional Information:** Formerly titled Fatigue Evaluation, Bird Impact, and Lightning Protection for Propellers of Composite Construction. Project No. ANE-83-002R.

**Agency Contact:** Marty Buckman, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7079

RIN: 2120-AB05

**2264. AIRCRAFT ENGINES: FUEL AND INDUCTION SYSTEMS**

**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 106(g)

**CFR Citation:** 14 CFR 33

**Legal Deadline:** None

**Abstract:** This notice would propose to add a new section 33.35(f) to the Federal Aviation Regulations which would incorporate a requirement for the fuel mixture and throttle controls to automatically move to a position allowing continued safe flight if either control becomes disconnected.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 7224
ANPRM	04/29/86	
Comment Period End		
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Additional Information:** Project No. ANE-85-002R.

Former title: Engine Fuel and Induction Systems.

**Agency Contact:** Locke Easton, Engine and Propeller Standards Staff, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7088

RIN: 2120-AB76

**2265. MAINTENANCE RECORDKEEPING REQUIREMENTS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354(a); 49 USC 1421 to 1430; 49 USC 1502

**CFR Citation:** 14 CFR 91; 14 CFR 121

**Legal Deadline:** None

**Abstract:** The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), within which several subcommittees were established to provide advice and recommendations to the FAA on the full range of aviation-related issues. The Air Carrier/General Aviation Maintenance Subcommittee has been tasked to develop an advisory circular that will address the recordkeeping requirements of the present regulations, and a notice of proposed rulemaking that may include additional items and utilize the present state-of-the-art for recording and retention of records.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number AFS-89-181R.

**Agency Contact:** Russell Unangst, Air Carrier Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3440

RIN: 2120-AD25

**2266. HIGH INTENSITY RADIATED FIELDS PROTECTION STANDARDS FOR AIRCRAFT ELECTRICAL AND ELECTRONIC SYSTEMS**

**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)

**CFR Citation:** 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29

**Legal Deadline:** None

**Abstract:** This action would amend the Federal Aviation Regulations by adding a new standard that would provide requirements for protection of aircraft electrical and electronic systems from the effects of high intensity radiated fields.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Additional Information:** Project Number AIR-89-180R. This project was formerly entitled "Requirements for Aircraft Protection in High Energy Radiated Electromagnetic Fields."

**Agency Contact:** Abbas Rizvi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9564

RIN: 2120-AD32

**2267. DEPRESSURIZATION EVALUATION OF STRUCTURES**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

**CFR Citation:** 14 CFR 121; 14 CFR 135



DOT-FAA

Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** This action would develop a retroactive requirement for transport category airplanes that would require that normally unpressurized areas and compartments be able to withstand the effects of the required depressurization failure conditions that have been applied to the pressurized compartments.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Project No. ANM-88-008R.

**Agency Contact:** James Haynes, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 431-2131

**RIN:** 2120-AD35

**2268. BIRD STRIKE DAMAGE ASSESSMENT**

**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)

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This action would amend the Federal Aviation Regulations by upgrading the standards for protecting transport category airplanes from bird impact damage by requiring that airplanes be designed such that: (1) only minor damage would result from impact with a 4-pound bird and (2) the airplane would be capable of continued safe flight and landing after impact with an 8-pound bird. These standards are needed because of possible vulnerability of new technology flight controls, flight instruments, and flight structures to bird strike damage. These proposed changes are based on research and service experience and are intended to improve survivability of

the airplane by providing better protection of critical structures and systems.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
03/00/93

**Additional Information:** Project No. ANM-87-037R.

**Agency Contact:** Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2120

**RIN:** 2120-AD39

**2269. 1-G STALLING SPEED AS A BASIS FOR COMPLIANCE WITH PART 25 OF THE FEDERAL AVIATION REGULATIONS**

**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)

**CFR Citation:** 14 CFR 25; 14 CFR 36

**Legal Deadline:** None

**Abstract:** This notice would propose to amend the Federal Aviation Regulations to redefine the airplane reference stalling speed as the 1-g stalling speed in lieu of the minimum stalling speed. This notice would: (1) provide for a consistent, repeatable reference stalling speed; (2) ensure consistent and dependable maneuvering margins; (3) clarify the requirement for the use of 1-g stalling speeds in determining structural design speeds; (4) increase the head-on gust structural design requirement; and (5) provide for adjusted multiplying factors to maintain essentially equivalent requirements in areas where the use of minimum stalling speed has proven adequate. These changes are needed since the stalling characteristics of modern jet transports as determined by current methods can result in inconsistent reference stalling speeds. These changes may result in a higher level of

safety where current methods have resulted in artificially low reference stalling speeds.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project No. ANM-86-041R.

**Agency Contact:** James Haynes, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2131

**RIN:** 2120-AD40

**2270. PARACHUTE EQUIPMENT AND PACKING REQUIREMENTS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1348; 49 USC 1354; 49 USC 1421; 49 USC 106(g)

**CFR Citation:** 14 CFR 105

**Legal Deadline:** None

**Abstract:** This action would propose to amend part 105 of the Federal Aviation Regulations to permit general use of approved dual harness and parachute packs.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number AFS-86-102R.

**Agency Contact:** Melvin Cooper, Office of Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3783

**RIN:** 2120-AD57

**2271. REPORTING REQUIREMENTS: TRANSFEREE HOLDERS AND LICENSEES**

**Significance:** Nonsignificant



## DOT-FAA

## Proposed Rule Stage

**Legal Authority:** 49 USC 1344; 49 USC 1348(a); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g); EO 11514

**CFR Citation:** 14 CFR 21

**Legal Deadline:** None

**Abstract:** This notice would require holders and licensees of a type certificate to report a failure, malfunction, or defect in a product, part, or article manufactured under that type certificate by its transferor.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
05/00/93

**Additional Information:** Project Number AIR-90-185R.

**Agency Contact:** Lyle Davis, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9588

**RIN:** 2120-AD64

### 2272. MODEL ROCKET OPERATIONS

**Significance:** Nonsignificant

**Legal Authority:** 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 101

**Legal Deadline:** None

**Abstract:** This notice would propose to extend the inapplicability of Part 101 to heavier model rockets.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** This project was formerly entitled "Part 101 Review Program." Project Number ATP-84-020R.

**Agency Contact:** Joseph White, Air Traffic Rules Branch, Department of Transportation, Federal Aviation

Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8783

**RIN:** 2120-AD84

### 2273. COST OF SERVICES AND TRANSFER OF FEES TO PART 187 FROM PARTS 47, 49, 61, 63, 65, AND 143

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1341; 49 USC 1343; 49 USC 1344; 49 USC 1346; 49 USC 1348; 49 USC 1354; 49 USC 1355; 49 USC 106(g)

**CFR Citation:** 14 CFR 47; 14 CFR 49; 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 143; 14 CFR 187

**Legal Deadline:** None

**Abstract:** This notice would propose to assess reasonable charges for certain services provided by the FAA. The charges would be set at a level approximating the cost to the Government to provide these services and would be adjusted periodically as the cost of these services change or as prescribed in the Anti-Drug Abuse Act of 1988. The cost of providing services for aircraft registration and recording and replacement of airmen certificates is not being fully recouped in accordance with the changes reflected in the Consumer Price Index of All Urban Consumers which was published by the Bureau of Labor Statistics of the Department of Labor or as set by the Anti-Drug Abuse Act of 1988. This notice also would propose to consolidate all service fees by placing them in part 187 of the Federal Aviation Regulations.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number AVN-90-347R.

**Agency Contact:** Earl F. Mahoney, Registry Modernization Staff, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Oklahoma City, Oklahoma 73125-4939, 405 680-7357

**RIN:** 2120-AD91

### 2274. AUTOPILOT MINIMUM ALTITUDES

**Significance:** Nonsignificant

**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 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), within which several subcommittees were established to provide advice and recommendations to the FAA on the full range of aviation-related issues. The Air Carrier Operations Subcommittee has been tasked to suggest the criteria for autopilot engagement. The current regulation (section 121.579) does not address existing autopilot technology. The subcommittee will seek the expertise of terminal instrument procedures (TERPS) specialists, flight test engineers, and air carrier pilots in developing its recommendation.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number AFS-90-432R.

**Agency Contact:** Gary Davis, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3747

**RIN:** 2120-AE15

### 2275. OFFSHORE AIRSPACE REVIEW

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 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 106(g)

**CFR Citation:** 14 CFR 71; 14 CFR 91; 14 CFR 103

**Legal Deadline:** None



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**Abstract:** This notice would propose to amend the Federal Aviation Regulations by revising certain offshore airspace areas; lowering the Continental Control Area; deleting Domestic Area Low Routes; designating control areas associated with jet routes outside of the continental control area as Class A airspace areas for navigation; raising the ceiling of jet and area high routes; deleting the regulation that permits aircraft operating under visual flight rules at the base of controlled airspace to meet the visibility and cloud clearance requirements of uncontrolled airspace; and deleting domestic high/low reporting requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/92	57 FR 42810
NPRM Comment Period End	11/02/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
09/16/92 (57 FR 42810)

**Additional Information:** Project Number ATP-91-014R.

**Agency Contact:** William M. Mosley, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9251

**RIN:** 2120-AE32

**2276. VISUAL DESCENT POINTS**

**Significance:** Nonsignificant

**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 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This notice would propose to revise parts 121 and 135 of the Federal Aviation Regulations to incorporate a requirement for visual descent points.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/00/93

**Additional Information:** Project Number AFS-91-206R.

**Agency Contact:** Donell Pollard, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

**RIN:** 2120-AE34

**2277. AIRPORT RUNWAY INCURSION**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354(a); 49 USC 1432; 49 USC 106(g)

**CFR Citation:** 14 CFR 139

**Legal Deadline:** None

**Abstract:** This notice would propose to amend part 139 of the Federal Aviation Regulations by incorporating additional requirements regarding distance remaining markers and other signs at airports.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Project Number AAS-91-205R.

**Agency Contact:** William Deloach, Airport Safety and Compliance Branch, Office of Aviation Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8723

**RIN:** 2120-AE38

**2278. TYPE CERTIFICATES FOR SOME SURPLUS AIRCRAFT OF THE ARMED FORCES**

**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); 49 USC 106(g); EO 11514

**CFR Citation:** 14 CFR 21

**Legal Deadline:** None

**Abstract:** Following World War II, a substantial number of surplus military airplanes were offered for sale to the public in order to meet an increased demand for civilian-use aircraft not being met by the civil aircraft industry. The current regulation permits both type and airworthiness certification for surplus military aircraft based on the particular aircraft's safety record and condition. As military aircraft have become increasingly complex and sophisticated, that practice is no longer acceptable. This action would remove the regulations for issuing type certificates for these surplus aircraft and eliminate references to obsolete standards. Surplus military aircraft would still be certificated in the normal, utility, acrobatic, commuter, transport, and restricted categories upon compliance with the applicable regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Project Number AIR-91-354R.

**Agency Contact:** George Kaseote, Policy and Procedures Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8541

**RIN:** 2120-AE41

**2279. EXIT SEATING FOR ON-DEMAND OPERATIONS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action would propose to amend the exit seating rule to exclude from its applicability commuter air carrier aircraft having 9 or fewer passenger seats and on-demand air taxi aircraft having 19 or fewer passenger seats. These proposed amendments are intended to relieve air carriers and persons with disabling conditions of



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unnecessary burdens by allowing, on a commuter-carrier aircraft, seating in an exit-row seat a passenger who is not able, or willing without assistance, to activate an emergency exit. The revisions would eliminate unnecessary requirements for safe evacuation in an emergency, as seating configurations in such aircraft tend to differ from standard aisle-and-row seating and frequently include single units around a central open space in the cabin, couch seats, and club seating, which provide undefined, unrestricted paths to the exits.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
10/00/92**Additional Information:** Project Number  
AFS-91-332R.

**Agency Contact:** Donell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

RIN: 2120-AE44

**2280. ● SPECIAL FLIGHT AUTHORIZATIONS FOR NOISE-RESTRICTED AIRCRAFT****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; 49 USC 1421 to 1431; 49 USC 1471 to 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 4321 et seq; 49 USC 106(g); EO 11514

**CFR Citation:** 14 CFR 91**Legal Deadline:** None

**Abstract:** The FAA is amending its regulations to add a Special Federal Aviation Regulation (SFAR) to Federal Aviation Regulations Part 91 to provide limited issuance of special flight authorizations that allow certain nonrevenue operations otherwise prohibited by Part 91, Subpart I, Operating Noise Limits. This SFAR is necessary because the former one (SFAR 47-3) expired on December 31, 1991. The new SFAR is also necessary

because the Airport Noise and Capacity Act of 1990 provides for the operation of otherwise restricted Stage 2 aircraft in the United States if the aircraft are modified to meet Stage 3 noise levels.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
10/00/92**Additional Information:** Project  
Number: AEE-92-153-R.

**Agency Contact:** Laurie Fisher, Policy and Regulatory Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3561

RIN: 2120-AE49

**2281. ● NON-FEDERAL NAVIGATION FACILITIES****Significance:** Nonsignificant

**Legal Authority:** 49 USC 1343; 49 USC 1348; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472(c); 49 USC 1502; 49 USC 1522; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 171**Legal Deadline:** None

**Abstract:** This notice proposes to amend part 171 to require the same specifications for non-Federal facilities as are required for FAA facilities. The amendment would consolidate subparts which would allow for easier use and access.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
07/00/93**Additional Information:** Project  
Number: ASM-92-254R

**Agency Contact:** Ronald Jennings, Technical Standards Branch, Systems Maintenance Service, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue SW., Washington, DC 20591,  
202 267-7911

RIN: 2120-AE54

**2282. ● AMEND PART 34: FUEL VENTING AND EXHAUST EMISSION REQUIREMENTS FOR TURBINE ENGINE POWERED AIRPLANES****Significance:** Nonsignificant

**Legal Authority:** 42 USC 1857(f); 49 USC 106(g); 49 USC 1348(c); 49 USC 1354(a); 49 USC 1421; 49 USC 1423

**CFR Citation:** 14 CFR 34; 14 CFR 89**Legal Deadline:** None

**Abstract:** This action would amend Part 34 of the Federal Aviation Regulations to make corrections to sections 34.71 and 34.89 which were published incorrectly.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** Project  
Number: AEE-92-185-R.

**Agency Contact:** Laurie Fisher, Policy and Regulatory Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7353

RIN: 2120-AE55

**2283. ● PERSONS AUTHORIZED TO PERFORM MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATIONS****Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354; 49 USC 1421 to 1430; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 43**Legal Deadline:** None

**Abstract:** This notice would propose to amend the maintenance rules to allow, under certain conditions, properly trained pilots of rotorcraft and small (nine passengers or less) airplanes that are used in on-demand types of air carrier or commercial operations to perform certain preventive maintenance tasks on their aircraft. It also proposes to add to the definition of preventive maintenance the removal and



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installation of approved seats, litters, and doors, and the removal and replacement of medical oxygen bottles under certain conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-92-070-R.

**Agency Contact:** James E. Siegman, Aircraft Maintenance Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3796

**RIN:** 2120-AE57

**2284. ● PART 145 REVIEW: REPAIR STATIONS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1427

**CFR Citation:** 14 CFR 145

**Legal Deadline:** None

**Abstract:** This notice would propose to review Federal Aviation Regulation Part 145 to determine whether it is compatible with present safety, regulatory, and industry needs and practices. The Federal Aviation Administration has determined the following to be specific areas of the repair stations rules that may need revision: organization and format; types of ratings and classes; operations and inspection procedures; as well as other areas. This review would also include subpart D which concerns the Manufacturers Maintenance Facility.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number: AFS-87-045-R.

**Agency Contact:** Roger Phaneuf, General Aviation and Commercial Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800

Independence Avenue SW., Washington, DC 20591, 202 267-8203  
**RIN:** 2120-AE58

**2285. ● MANNED FREE BALLOONS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354; 49 USC 1421; 49 USC 1423

**CFR Citation:** 14 CFR 31

**Legal Deadline:** None

**Abstract:** This notice would propose to develop modified burn heater tests that are less burdensome to the manufacturers.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number: ACE-92-021-R.

**Agency Contact:** Lowell Foster, Central Region Headquarters, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-5688

**RIN:** 2120-AE63

**2286. ● PART 71 REVIEW: AIRSPACE DESIGNATIONS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** The Federal Aviation Administration will review the various types of airspace designations under Part 71 to determine which types can be processed under an informal and streamlined process, yet in concert with the Administrative Procedure Act.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/93

**Additional Information:** Project Number: ATP-92-286R

**Agency Contact:** Bill Mosley, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9251  
**RIN:** 2120-AE65

**2287. ● REMOVAL OF THE FEE PROVISIONS OF PART 189**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1341(c); 49 USC 1348; 49 USC 1348(b); 49 USC 1354(a); 49 USC 1355; 31 USC 483(a)

**CFR Citation:** 14 CFR 189

**Legal Deadline:** None

**Abstract:** This action would modify Part 189 of the Federal Aviation Regulations to remove the outdated fee provision in Part 189.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Project Number: ATP-92-292R.

**Agency Contact:** Ellen Crum, Air Traffic Rules and Procedure Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9859  
**RIN:** 2120-AE68

**2288. ● PART 187 - FEES**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1341; 49 USC 1343; 49 USC 1344; 49 USC 1346; 49 USC 1348; 49 USC 1354; 49 USC 1355; 31 USC 483(a)

**CFR Citation:** 14 CFR 189

**Legal Deadline:** None

**Abstract:** This action would amend the existing fee schedule appearing in Part 187 for certification of airmen and air agencies performed outside the U.S., e.g., certification of pilots, flight engineers, and mechanics. This action intends to provide fees for all activities authorized by statute and to estimate fees that permit full recovery of the Federal Aviation Administration's costs.



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## Timetable:

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
01/00/93

**Additional Information:** Project  
Number: AFS-92-262-R.

**Agency Contact:** Emily White, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3651

**RIN:** 2120-AE72

### 2269. ● KANSAS CITY TERMINAL CONTROL AREA

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** This notice would propose to alter the Kansas City, MO, Terminal Control Area (TCA) to redefine several existing subareas to improve air traffic procedures and simplify visual flight rules operations outside the TCA. The primary goal of this modification to the TCA is to improve the degree of safety while providing the most efficient use of the terminal airspace.

## Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
12/00/92

**Additional Information:** Project  
Number: ATP-92-285R

**Agency Contact:** Lewis Still, Air Traffic Rules Branch, Air Traffic Rules and Procedures Services, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9250

**RIN:** 2120-AE73

## DEPARTMENT OF TRANSPORTATION (DOT)

## Final Rule Stage

## Federal Aviation Administration (FAA)

### 2290. + CIVIL SUPERSONIC AIRCRAFT NOISE TYPE CERTIFICATION STANDARDS AND OPERATING RULES

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1344; 49 USC 1348; 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 1431(b); 49 USC 1651(b)(2); 49 USC 2121 to 2125; 49 USC 106(g)

**CFR Citation:** 14 CFR 36; 14 CFR 91

**Legal Deadline:** None

**Abstract:** This notice proposed revisions to the aircraft type certification standards and operating rules to require that future supersonic aircraft meet noise limits consistent with those required for future subsonic aircraft. These revisions would aid the development of next-generation supersonic aircraft by establishing a noise impact goal that is consistent with noise limits for conventional (subsonic) aircraft. The FAA believes that these revisions are necessary to guide developers of supersonic aircraft and to assure consistent and equitable noise type certification standards and operating rules for both subsonic and supersonic aircraft. This rulemaking is considered significant because of substantial public interest.

## Timetable:

Action	Date	FR Cite
ANPRM	10/30/86	51 FR 39663
ANPRM	02/27/87	

Comment  
Period End

Comment Period 03/12/87 52 FR 7618  
Reopened Until  
07/01/87

NPRM 05/30/90 55 FR 22020

NPRM Comment 11/26/90  
Period End

**Next Action:** Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
05/30/90 (55 FR 22020)

**Additional Information:** Docket 25109. Formerly entitled SST Stage 3 Compliance. Project No. AEE-86-012R.

**Agency Contact:** Richard N. Tedrick, Policy and Regulatory Division, Office of Environment, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3556

**RIN:** 2120-AC22

### 2291. + IMPROVED SURVIVAL EQUIPMENT FOR INADVERTENT WATER LANDINGS

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 106(g); 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1374(d); 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502

**CFR Citation:** 14 CFR 121; 14 CFR 135

**Legal Deadline:** NPRM, Statutory, June 28, 1988.

PL 100-223, Section 303, Airport and Airway Safety and Capacity Enhancement Act of 1987.

**Abstract:** This notice proposed new requirements for water survival equipment carried aboard airplanes and rotorcraft. The requirements would apply, after specified dates, to U.S.-certificate holders that conduct common-carriage operations with airplanes and rotorcraft. This proposal is in response to the Airport and Airway Safety and Capacity Enhancement Act of 1987 (PL 100-223) and relates to safety recommendations by the National Transportation Safety Board. The proposed requirements are intended to increase the likelihood of aircraft passengers surviving a crash landing in water and, thus, this rulemaking is significant because of the safety implications.

## Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24890
NPRM Comment Period End	11/28/88	
Final Action	10/00/92	



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**Small Entities Affected:** None  
**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
 06/30/88 (53 FR 24890)

**Additional Information:** Project No.  
 AIR-85-265R.

**Agency Contact:** John Petrakis,  
 Aircraft Certification Service,  
 Department of Transportation, Federal  
 Aviation Administration, 800  
 Independence Avenue SW.,  
 Washington, DC 20591, 202 267-9574

**RIN:** 2120-AC72

**2292. + RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY AIRPLANES**

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 121; 14 CFR 135

**Legal Deadline:** NPRM, Statutory, April 28, 1988.  
 PL 100-223 Sec 303

**Abstract:** This notice proposed to require that all seats of transport category airplanes used in air carrier operations and transport category airplanes used in scheduled intrastate service comply with improved crashworthiness standards. The Airport and Airways Safety and Capacity Expansion Act of 1987 directs the Secretary of Transportation to initiate a rulemaking proceeding to consider requiring all seats onboard all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards. The intended effect of this action is to increase passenger protection and survivability in survivable impact accidents. This rulemaking is considered significant because of its safety implications and statutory requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17650
NPRM Comment Period End	10/14/88	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
 05/17/88 (53 FR 17650)

**Additional Information:** Docket 25611.  
 Project No. AIR-88-138R.

**Agency Contact:** Arthur Hayes,  
 Aircraft Engineering Division, Aircraft  
 Certification Service, Department of  
 Transportation, Federal Aviation  
 Administration, 800 Independence  
 Avenue SW., Washington, DC 20591,  
 202 267-9937

**RIN:** 2120-AC84

**2293. + DRUG ENFORCEMENT ASSISTANCE**

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401; 49 USC 1402; 49 USC 1403; 49 USC 1404; 49 USC 1405; 49 USC 1406; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

**CFR Citation:** 14 CFR 13; 14 CFR 47

**Legal Deadline:** Final, Statutory,  
 September 18, 1989.  
 FAA Drug Enforcement Assistance Act  
 of 1988.

**Abstract:** This notice proposed to revise certain requirements concerning registration of aircraft, certification of pilots, and penalties associated with registration and certification violations. This notice also announced new procedures for processing major repair and alteration forms which pertain to fuel system modifications. Actions announced in this notice respond to the FAA Drug Enforcement Assistance Act. The proposed requirements and adopted procedures are intended to assist law enforcement agencies in their efforts to stop drug trafficking in general aviation aircraft. This rulemaking is significant because of congressional and public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/90	55 FR 9270
NPRM Comment Period End	05/11/90	
Comment Period Extended To	05/16/90	55 FR 20394
	07/11/90	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
 03/12/90 (55 FR 9270)

**Additional Information:** Project No.  
 AVN-89-035R.

**Agency Contact:** Earl F. Mahoney,  
 Aviation Standards National Field  
 Office, Department of Transportation,  
 Federal Aviation Administration, Mike  
 Monroney Aeronautical Center, 6500  
 MacArthur, Oklahoma City, Oklahoma  
 73125, 405 680-7357

**RIN:** 2120-AD16

**2294. + TEMPORARY FLIGHT RESTRICTIONS**

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 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 106(g); EO 11514

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action proposed to revise the Federal Aviation Regulations to require the operator of an aircraft used in conducting authorized news-gathering operations in an area covered by temporary flight restrictions to be under the direction of the official in charge of the on-scene emergency response activities. Adoption of this proposal would reduce the potential for traffic conflicts and disruption of relief operations and would increase the level of safety afforded aircraft used in conducting rescue or disaster relief operations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/91	56 FR 34000
NPRM Comment Period End	09/23/91	
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
 07/24/91 (56 FR 34000)

**Additional Information:** Project Number  
 ATP-87-009R.

**Agency Contact:** William M. Mosley,  
 Air Traffic Rules Branch, Department of  
 Transportation, Federal Aviation  
 Administration, 800 Independence



DOT-FAA

Final Rule Stage

Avenue SW., Washington, DC 20591,  
202 267-9251

RIN: 2120-AD55

### 2295. + ELIMINATION OF AIRPORT DELAYS

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

**CFR Citation:** 14 CFR 93

**Legal Deadline:** None

**Abstract:** This proposed rule is designed to alleviate increased delays throughout the air traffic system and is considered significant because of its involvement with important Department of Transportation policies.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082
NPRM Comment	09/04/84	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 08/20/84 (49 FR 33082)

**Additional Information:** Docket No. 24206.

**Agency Contact:** David L. Bennett, Manager, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3491

RIN: 2120-AB42

### 2296. + FLIGHT ATTENDANT REQUIREMENTS

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121

**Legal Deadline:** None

**Abstract:** The current regulations need to be revised to account for the changed operational practices stemming from airline economic deregulation. This proposal would clarify or change

the number of flight attendants required when passengers are on board an airplane, including at stops. This proposal includes two new requirements: (1) a revision of the reduced number of flight attendants which, under certain conditions, a carrier is permitted to have on board a passenger-carrying airplane during stops; and (2) a requirement for a demonstration of competency by the other authorized persons who may be permitted to be substituted for required flight attendants when passengers are on board the airplane during stops. This proposal would change the current rule by clarifying and specifying the training required to be completed by these other authorized persons. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/14/89	54 FR 15134
NPRM Comment	07/13/89	
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/14/89 (54 FR 15134)

**Additional Information:** Project No. AFS-86-077R.

**Agency Contact:** Donell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3735

RIN: 2120-AC32

### 2297. + TYPE AND NUMBER OF PASSENGER EMERGENCY EXITS REQUIRED 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

**Legal Deadline:** None

**Abstract:** This notice proposed to revise the current requirements for passenger emergency exits and to adopt two new exit types into the regulations.

These proposals are intended to provide more consistent standards with respect to passenger seating allowed for each exit type, and the type and number of exits required for passenger seating configurations. This notice proposed to reduce the maximum inflation time of an escape slide to reflect the current state of the art. These proposals resulted from the Public Technical Conference on Emergency Evacuation of Transport Airplanes held in Seattle, Washington, on September 3-6, 1985. This rulemaking is considered significant because it involves an important cabin-safety issue.

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/90	55 FR 6344
NPRM Comment	08/21/90	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 02/22/90 (55 FR 6344)

**Additional Information:** Project No. ANM-87-006R.

**Agency Contact:** Franklin Tiangsing, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2121

RIN: 2120-AC43

### 2298. + EMERGENCY LOCATOR TRANSMITTERS

**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 1471; 49 USC 1485; 49 USC 1502; 49 USC 1522; 49 USC 106(g)

**CFR Citation:** 14 CFR 25; 14 CFR 29; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This notice proposed to require installation of an improved emergency locator transmitter (ELT) that meets the requirements of a revised Technical Standards Order (TSO) on U.S.-registered airplanes and to terminate approval to use ELTs



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authorized under the original TSO issued for this equipment. The new equipment would be required for future installations. This proposal was prompted by unsatisfactory performance experienced with ELTs that are manufactured under the original TSO and relates to safety recommendations by the National Transportation Safety Board and the search-and-rescue community. Although most of the unsatisfactory field experience has been with automatic ELTs, the FAA is also proposing improved standards for survival ELTs. This proposal would save lives by increasing the number of survivors rescued after aircraft accidents. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/90	55 FR 12316
NPRM Comment Period End	07/31/90	
Final Action	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation  
04/02/90 (55 FR 12316)

**Additional Information:** Project No. AIR-85-348R.

**Agency Contact:** Phil Akers, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9571

RIN: 2120-AD19

### 2299. + SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE NO. 4

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 23**Legal Deadline:** None

**Abstract:** This notice proposed changes to the airframe and flight airworthiness standards for normal, utility, acrobatic, and commuter category airplanes that are based on a number of recommendations discussed at the

Small Airplane Airworthiness Review Conference held on October 22-26, 1984. This action arose from the recognition that updated safety standards are needed for an acceptable level of safety in the design requirements for small airplanes used in both private and commercial operations. This notice included design requirements applicable to advancements in technology being incorporated in current designs and proposed to reduce the regulatory burden in showing compliance with some requirements while maintaining an acceptable level of safety. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	06/28/90	55 FR 26534
Correction To NPRM	08/24/90	55 FR 34797
Comment Period Extended To	10/24/90	55 FR 42942
NPRM Comment Period End	10/25/90	
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/28/90 (55 FR 26534)

**Additional Information:** Project No. ACE-84-012R.

**Agency Contact:** Victor F. Sokoloski, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 610 East 12th Street, Kansas City, MO 64106, 816 426-5688

RIN: 2120-AD20

### 2300. + SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE NO. 3

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 23**Legal Deadline:** None

**Abstract:** This notice proposed changes to the powerplant and equipment airworthiness standards for normal, utility, acrobatic, and commuter category airplanes that were based on certain proposals and recommendations

discussed at the Small Airplane Airworthiness Review Conference held in St. Louis, Missouri, on October 22-26, 1984. These proposals arose from the recognition, by both government and industry, that updated safety standards are needed to maintain an acceptable level of safety in the design requirements for small airplanes that are used in both private and commercial operations. These proposals, if adopted, will include design requirements applicable to advancements in technology being incorporated in current designs and reduce the regulatory burden in showing compliance with some requirements while maintaining an acceptable level of safety. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/03/90	55 FR 40598
NPRM Comment Period End	04/01/91	
NPRM Comment Period Extended to	05/24/91	56 FR 23813
NPRM Comment Period Extended to	07/02/91	
NPRM Comment Period Extended to	07/22/91	56 FR 33688
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/03/90 (55 FR 40598)

**Additional Information:** Project No. ACE-84-011R.

**Agency Contact:** Ervin E. Dvorak, Standards Office, Small Airplane Directorate, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 426-5688

RIN: 2120-AD30

### 2301. + AIRWORTHINESS STANDARDS; EMERGENCY EXIT PROVISIONS FOR NORMAL, UTILITY, ACROBATIC, AND COMMUTER 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 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)



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**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This notice proposed to amend emergency egress requirements of the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. These proposed rules are necessary to improve the compatibility of the requirements for emergency exit provisions of commuter category airplanes with the corresponding requirements for similar sized transport category airplanes. These proposals provide alternative emergency exit requirements, applicable to commuter category airplanes, when additional bin safety features are included in the airplane design, and include specific requirements for flight crew emergency exits, emergency exit ditching provisions, and the size requirement of the passenger entry door for commuter category airplanes. This rulemaking is considered significant because it involves a cabin-safety issue.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/90	55 FR 35544
NPRM; Correction	10/04/90	55 FR 40755
NPRM Comment Period End	02/26/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/30/90 (55 FR 35544)

**Additional Information:** Project No. ACE-88-001R. This project was formerly entitled Exit Requirements for Part 23 Airplanes.

**Agency Contact:** Norman R. Vetter, Standards Office, Small Airplane Directorate, Department of Transportation, Federal Aviation Administration, 610 East 12th Street, Kansas City, MO 64106, 816 426-5688

**RIN:** 2120-AD33

**2302. + ESTABLISHMENT AND DISCONTINUANCE CRITERIA FOR LORAN-C NONPRECISION APPROACH PROCEDURES**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1343; 49 USC 1346; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1401; 49 USC 1421; 49

USC 1422 to 1430; 49 USC 1472(c); 49 USC 1502; 49 USC 1522; 49 USC 106(g)

**CFR Citation:** 14 CFR 170

**Legal Deadline:** None

**Abstract:** This proposed rule would prescribe benefit-cost-based criteria for establishment and discontinuance of LORAN-C nonprecision approach procedures at airports. It would consider traffic density, passengers served, and aircraft operating efficiencies along with the cost of establishing and maintaining an approach. The criteria will provide a guide for FAA management to assure the cost-effective placement of LORAN-C approaches. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/31/92	57 FR 3830
NPRM Comment Period End	04/30/92	
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/31/92 (57 FR 3830); Regulatory Evaluation 02/00/93

**Additional Information:** Project Number APO-90-340R.

**Agency Contact:** Norman Elrod, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3292

**RIN:** 2120-AD68

**2303. + BIENNIAL FLIGHT REVIEW**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

**CFR Citation:** 14 CFR 61

**Legal Deadline:** None

**Abstract:** This action would amend part 61 of the Federal Aviation Regulations to require that the biennial flight review consist of a minimum of one hour of ground training and one hour of flight training. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/92	57 FR 32680
NPRM Correction	09/14/92	57 FR 41974
NPRM Comment Period End	09/21/92	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/22/92 (57 FR 32680)

**Additional Information:** Project Number AFS-90-431R.

A final rule published 09/05/91 (56 FR 43970) extended the compliance date for recreational pilots and non-instrument-rated private pilots with less than 400 hours of flight time to receive an annual flight review of a minimum of one hour each of flight and ground instruction. This action was necessary to allow the agency adequate time to complete the rulemaking herein. (A correction to the final rule was published 11/06/91, 56 FR 56571.)

**Agency Contact:** Tom Glista, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8150

**RIN:** 2120-AE11

**2304. + EXIT SEATING**

**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 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 121; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This final rule would amend the exit row seating rule to relieve burdens on both passengers and operators caused by the restriction of more seats than are necessary in the interest of safety, to ensure that passengers who cannot respond to emergency commands are not seated in exit rows, and to remove unnecessarily burdensome language requirements for passenger information cards. This action is considered significant because of substantial public interest.



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**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
10/00/92**Additional Information:** Project Number  
AFS-90-382R.**Agency Contact:** Donell Pollard, Air  
Transportation Division, Flight  
Standards Service, Department of  
Transportation, Federal Aviation  
Administration, 800 Independence  
Avenue SW., Washington, DC 20591,  
202 267-8096

RIN: 2120-AE22

**2305. ● + AIRCRAFT GROUND  
DEICING AND ANTI-ICING PROGRAM****Significance:** Agency Priority**Legal Authority:** 49 USC 1354(a); 49  
USC 1355; 49 USC 1421 to 1422; 49 USC  
1427; 49 USC 106(g); PL 97-449**CFR Citation:** 14 CFR 121**Legal Deadline:** None**Abstract:** This proposed amendment  
would establish a requirement for Part  
121 certificate holders to develop an  
FAA-approved ground deicing/anti-  
icing program and to comply with that  
program any time conditions are such  
that frost, ice, or snow could adhere to  
the aircraft's wings, control surfaces, or  
propellers. This action is necessary  
because several accidents and the  
recent International Conference on  
Airplane Ground Deicing indicate that,  
under present procedures, the pilot in  
command may be unable to effectively  
determine whether critical airplane  
components are free of all frost, ice, or  
snow prior to attempting a takeoff. The  
proposal is intended to provide an  
added level of safety to flight  
operations in adverse weather  
conditions, and is considered significant  
because of its safety implications.**Timetable:**

Action	Date	FR Cite
NPRM	07/23/92	57 FR 32846
NPRM Comment Period End	08/07/92	
Interim Final Rule	09/29/92	57 FR 44924
Interim Final Rule Effective	11/01/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
09/29/92 (57 FR 44924)**Additional Information:** Project  
Number: AFS-92-280-R.A proposed advisory circular providing  
guidance on the program elements that  
should be included in an air carrier's  
approved ground deicing and anti-icing  
program was published September 29,  
1992, requesting comments (57 FR  
44944).**Agency Contact:** Larry Youngblut,  
Regulations Branch, Flight Standards  
Service, Department of Transportation,  
Federal Aviation Administration, 800  
Independence Avenue SW.,  
Washington, DC 20591, 202 267-3755

RIN: 2120-AE70

**2306. OBJECTS AFFECTING  
NAVIGABLE AIRSPACE****Significance:** Nonsignificant**Legal Authority:** 49 USC 1348; 49 USC  
1354; 49 USC 1421 to 1430; 49 USC 1501;  
49 USC 106(g)**CFR Citation:** 14 CFR 77**Legal Deadline:** None**Abstract:** This notice proposed  
amendments to the standards,  
aeronautical studies, scope, and notice  
provisions concerning objects affecting  
navigable airspace. The notice  
consisted primarily of changes required  
by recent legislation or recommended  
by a government/industry task group of  
the National Airspace Review Advisory  
Committee. This notice also introduced  
language to cover electromagnetic  
interference phenomenon that could  
create 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	
NPRM	08/03/90	55 FR 31722
NPRM; Correction	08/13/90	55 FR 32999
NPRM; Correction	08/16/90	55 FR 33577
NPRM; Correction	08/28/90	55 FR 35152
NPRM; Correction	09/10/90	55 FR 37287

Action	Date	FR Cite
NPRM Comment Period End	12/31/90	
Final Action	12/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Flexibility  
Analysis; Regulatory Evaluation  
08/03/90 (55 FR 31722)**Additional Information:** Project ATP-85-  
015R.**Agency Contact:** Richard Kagehiro, Air  
Traffic Rules Branch, Department of  
Transportation, Federal Aviation  
Administration, 800 Independence  
Avenue SW., Washington, DC 20591,  
202 267-8783

RIN: 2120-AA09

**2307. 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.



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**Timetable:**

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214
NPRM Comment	12/02/83	
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation  
10/03/83 (48 FR 45214)

Additional Information: Docket No. 23781. Project No. ARM-81-128R.

Agency Contact: Jean Casciano, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9683

RIN: 2120-AA50

**2308. AIRWORTHINESS STANDARDS; CRASH RESISTANT FUEL SYSTEMS**

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action proposed changes to the airworthiness standards to improve the crash resistance of fuel systems on normal, utility, acrobatic, and commuter category airplanes. The FAA has determined that improved crash resistance of these fuel systems is necessary to prevent deaths and injuries due to fire in survivable crashes. The proposed design changes would limit fuel spillage near ignition sources and would provide additional time for the survivors to evacuate the airplane.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM	07/03/85	
Comment		
Period End		
NPRM	02/28/90	55 FR 7280
NPRM Comment	06/28/90	
Period End		
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation  
02/28/90 (55 FR 7280)

Additional Information: Formerly titled "Amend Part 23 To Include Requirements for Crash-Resistant Fuel Systems." Project No. ACE-82-005R.

Agency Contact: Norman Vetter, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 426-5688

RIN: 2120-AA57

**2309. AIRWORTHINESS STANDARDS; AIRCRAFT ENGINE ELECTRICAL AND ELECTRONIC ENGINE CONTROL SYSTEMS**

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: This action would establish requirements for the certification of electrical and electronic engine control systems. These control systems range from simple power or thrust trimming devices with full hydromechanical backup to full authority digital electronic controls with no mechanical backup. Although these types of control systems have been certificated under existing regulations, those regulations do not address specific requirements related to electrical and electronic engine controls such as engine supplied power and data, lightning protection, high energy radio frequency protection, and software verification/validation.

**Timetable:**

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6186
NPRM Comment	07/29/85	
Period End		
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation  
02/14/85 (50 FR 6186)

Additional Information: Project No. ANE-83-001R.

Agency Contact: Cosimo J. Bosco, Engine and Propeller Standards Staff, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, New England

Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7068

RIN: 2120-AB08

**2310. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC TRANSPORT 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 notice proposed to amend the Federal Aviation Regulations to specify airplane and equipment airworthiness standards for subsonic transport airplanes to be operated up to an altitude of 51,000 feet. This proposal was prompted by an increase in the number of applications received to raise the maximum certificated operating altitude for transport category airplanes. This action is intended to ensure an acceptable level of safety for airplanes operated at high altitudes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/22/89	54 FR 48536
NPRM Comment	05/21/90	
Period End		
Final Action	03/00/93	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation  
11/22/89 (54 FR 48538)

Additional Information: Project No. ANM-83-022R.

Agency Contact: Bob McCracken, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4058, 206 227-2118

RIN: 2120-AB18

**2311. AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY ROTORCRAFT PERFORMANCE**

Significance: Nonsignificant



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**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 proposed to revise the performance requirements for transport category rotorcraft. The proposed changes are needed to define more clearly the factors for determining takeoff distances for transport category rotorcraft and to add several other relevant standards. If adopted, these changes would provide for an improved level of safety achievable because of recent technological advances in turboshaft engine design and associated rotorcraft design.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42126
ANPRM	06/06/86	
Comment		
Period End		
NPRM	01/08/90	55 FR 698
NPRM Comment	07/09/90	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/08/90 (55 FR 698)

**Additional Information:** Project No. ASW-83-006R.

**Agency Contact:** Jim S. Honaker, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, 817 624-5109

**RIN:** 2120-AB36

**2312. 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:** This notice proposed to amend the airworthiness standards for

transport category airplanes to require a means to alert the flight crew of potentially unsafe low fuel quantities. There have been several fuel depletion incidents involving loss of power or thrust on all engines that could have resulted in forced landings and injury or loss of life. Most of these incidents resulted from improper fuel management techniques. This proposed amendment would require new transport category airplane designs to incorporate a low fuel quantity alert system that would allow for correction of certain fuel management errors or provide the flightcrew the opportunity to make a safe landing prior to engine fuel starvation.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17890
NPRM Comment	09/09/87	
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/12/87 (52 FR 17890)

**Additional Information:** Docket No. 25213. Project No. ANM-83-039R.

**Agency Contact:** Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2135

**RIN:** 2120-AB46

**2313. AIRWORTHINESS STANDARDS; NEW ROTORCRAFT 30-SECOND/2-MINUTE ONE-ENGINE-INOPERATIVE POWER RATINGS**

**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

**Legal Deadline:** None

**Abstract:** This notice responded to a petition for rulemaking from Aerospace Industries Association of America, Inc., and proposed to amend the Federal Aviation Regulations to incorporate new one-engine-inoperative (OEI) power ratings for multiengine, turbine-powered rotorcraft. If adopted, this

proposal would enhance rotorcraft safety after an engine failure or precautionary shutdown by providing OEI power, when required, with the assurance that the drive system would maintain its structural integrity and allow continued safe flight while operating at the new OEI power ratings with the operable engine(s).

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39086
Notice of Public Hearing	10/13/89	54 FR 41986
NPRM Comment	03/27/90	
Period End		
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 09/22/89 (54 FR 39086)

**Additional Information:** Formerly entitled New Rotorcraft Emergency Power Ratings.

Project No. ASW-85-469P.

**Agency Contact:** Ray Twa, Rotorcraft Standards Staff, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, 817 624-5158

**RIN:** 2120-AB90

**2314. AIRWORTHINESS STANDARDS; TURBOSHAFT ENGINE ROTOR BURST PROTECTION**

**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)

**CFR Citation:** 14 CFR 29

**Legal Deadline:** None

**Abstract:** This notice proposed to amend the Federal Aviation Regulations to minimize the failure hazards of high speed powerplant rotor systems used in turboshaft engines in newly designed transport category rotorcraft. Engine rotor failures have occurred resulting in the release of high energy rotor fragments or other engine component fragments. These fragments have impacted and damaged critical rotorcraft structures, systems, controls, and adjacent engines, as well as caused



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serious or fatal injuries to passengers and crewmembers. This proposal, if adopted, is intended to eliminate these hazards.

**Timetable:**

Action	Date	FR Cite
NPRM	10/17/89	54 FR 42716
Comment Period Extended to 10/16/90	03/08/90	55 FR 8474
NPRM Comment Period End	04/16/90	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/17/89 (54 FR 42716); Regulatory Evaluation 10/00/92

**Additional Information:** Former title Turbine Burst Protection for Transport Category Helicopters. Project No. ASW-84-002.

**Agency Contact:** Mike Mathias, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, 817 624-5123

**RIN:** 2120-AB91

### 2315. MISCELLANEOUS CHANGES TO EMERGENCY EVACUATION DEMONSTRATION PROCEDURES, EXIT HANDLE ILLUMINATION, AND PA HANDSETS

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

**CFR Citation:** 14 CFR 25; 14 CFR 121

**Legal Deadline:** None

**Abstract:** This notice proposed to modify the procedures for conducting an emergency evacuation demonstration by requiring that the flight crew take no active role in the demonstration and by changing the age/sex distribution requirement for demonstration participants. This notice also proposed to standardize the illumination requirements for the handles of the various types of passenger emergency exits. In addition, it is proposed to add a requirement for a "push to talk" switch to the public

address system. These proposals are intended to enhance the provisions of transport category airplanes for egress of occupants during emergency conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/89	54 FR 37414
NPRM Comment Period End	01/08/90	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/08/89 (54 FR 37414)

**Additional Information:** Project No. ANM-87-010R.

**Agency Contact:** Frank Tiangsing, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2121

**RIN:** 2120-AC45

### 2316. AIRWORTHINESS STANDARDS; CRASH RESISTANT FUEL SYSTEMS IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1344; 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 27; 14 CFR 29

**Legal Deadline:** None

**Abstract:** This notice proposed to add comprehensive crash resistant fuel system design and test criteria to the airworthiness standards for normal and transport category rotorcraft. The proposed standards would minimize fuel (and other flammable fluid) spillage near ignition sources, minimize potential ignition sources and, therefore, improve the evacuation time needed for crew and passengers to escape a postcrash fire. These proposals, if adopted, would minimize the postcrash fire hazard, save lives, and substantially reduce the severe physiological and psychological injuries sustained from postcrash fires in otherwise survivable accidents.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/90	55 FR 41000
NPRM; Correction	12/11/90	55 FR 50931
NPRM Comment Period End	04/03/91	
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/05/90 (55 FR 41000)

**Additional Information:** This project was formerly entitled "Rotorcraft Crash Resistant Fuel Systems."

Project Number ASW-85-006R.

**Agency Contact:** Mike Mathias, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, 817 624-5123

**RIN:** 2120-AC68

### 2317. ELECTRICAL AND ELECTRONIC SYSTEMS LIGHTNING PROTECTION

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 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 notice proposed to amend the Federal Aviation Regulations to add a new standard for transport category airplanes which would provide lightning protection requirements for installed electrical and electronic systems. This proposal was the result of increasing concern for the vulnerability of these systems to the indirect effects of lightning. This notice was issued in order to promulgate specific lightning protection requirements for electrical systems which perform essential or critical functions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/30/89	54 FR 23164
NPRM Comment Period End	09/27/89	

Next Action Undetermined

**Small Entities Affected:** None



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**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
05/30/89 (54 FR 23164)**Additional Information:** Project No.  
ANM-86-014R.**Agency Contact:** Gene Vandermolen,  
Transport Airplane Directorate, Aircraft  
Certification Service, Department of  
Transportation, Federal Aviation  
Administration, Northwest Mountain  
Region, 1601 Lind Avenue SW., Renton,  
Washington 98055-4056, 206 227-2157

RIN: 2120-AC81

**2318. AIRWORTHINESS STANDARDS:  
AIRCRAFT ENGINES; PROPOSAL FOR  
NEW ONE-ENGINE-INOPERATIVE  
RATINGS, DEFINITIONS, AND TYPE  
CERTIFICATION STANDARDS****Significance:** Nonsignificant**Legal Authority:** 49 USC 1347; 49 USC  
1348; 49 USC 1354(a); 49 USC 1357(d)(2);  
49 USC 1372; 49 USC 1421 to 1430; 49  
USC 1432; 49 USC 1442; 49 USC 1443; 49  
USC 1472; 49 USC 1510; 49 USC 1522; 49  
USC 1652(e); 49 USC 1655(c); 49 USC  
106(g)**CFR Citation:** 14 CFR 1; 14 CFR 33**Legal Deadline:** None**Abstract:** The Aerospace Industries  
Association of America, Inc., petitioned  
the FAA to provide new one-engine-  
inoperative ratings for rotorcraft  
engines and their application to  
rotorcraft. This notice responded to that  
petition and proposed to define and  
establish type certification standards  
for new one-engine-inoperative ratings  
for rotorcraft engines.**Timetable:**

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39080
Notice of Public Hearing	10/13/89	54 FR 41986
NPRM Comment Period End	03/27/90	
Final Action	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
09/22/89 (54 FR 39080)**Additional Information:** Project No.  
ANE-85-001R.**Agency Contact:** Donald F. Perrault,  
Engine and Propeller Directorate,  
Aircraft Certification Service,  
Department of Transportation, FederalAviation Administration, 12 New  
England Executive Park, Burlington,  
Massachusetts 01803, 617 273-7081

RIN: 2120-AD21

**2319. IMPROVED FLAMMABILITY  
STANDARDS FOR MATERIALS USED  
IN THE INTERIORS OF TRANSPORT  
CATEGORY AIRPLANE CABINS****Significance:** Nonsignificant**Legal Authority:** 49 USC 1344; 49 USC  
1354(a); 49 USC 1355; 49 USC 1356; 49  
USC 1357; 49 USC 1401; 49 USC 1421; 49  
USC 1423; 49 USC 1424; 49 USC 1425; 49  
USC 1428; 49 USC 1429; 49 USC 1430; 49  
USC 1472; 49 USC 106(g)**CFR Citation:** 14 CFR 25; 14 CFR 121;  
14 CFR 135**Legal Deadline:** None**Abstract:** This notice proposed to  
clarify the recently adopted standards  
concerning the flammability of  
components used in the cabins of  
certain transport category airplanes.  
These clarifications would be  
applicable to air carriers, air taxi  
operators and commercial operators, as  
well as manufacturers of such  
airplanes.**Timetable:**

Action	Date	FR Cite
NPRM	04/12/90	55 FR 13886
NPRM Comment Period End	10/09/90	
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
04/12/90 (55 FR 13886)**Additional Information:** Project No.  
ANM-88-024R.**Agency Contact:** Gary Killion,  
Manager, Regulations Branch, Aircraft  
Certification Service, Department of  
Transportation, Federal Aviation  
Administration, Northwest Mountain  
Region, 1601 Lind Avenue SW., Renton,  
Washington 98055-4056, 206 227-2112

RIN: 2120-AD28

**2320. AIRPLANE ENGINE COWLING  
RETENTION****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; 49USC 1428; 49 USC 1429; 49 USC 1430; 49  
USC 106(g)**CFR Citation:** 14 CFR 25**Legal Deadline:** None**Abstract:** This notice proposed to  
amend the airworthiness standards for  
transport category airplanes to require  
improved cowling retention devices. A  
review of a number of inflight incidents  
where engine cowlings were lost  
revealed that the largest single cause of  
such losses was improper latching of  
the cowlings. If adopted, this proposal  
would provide additional design  
standards to detect improperly latched  
cowlings and ensure the integrity of the  
latching system.**Timetable:**

Action	Date	FR Cite
NPRM	09/19/89	54 FR 38610
NPRM Comment Period End	03/19/90	
Final Action	05/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation  
09/19/89 (54 FR 38610)**Additional Information:** Project No.  
ANM-87-004R.**Agency Contact:** Mike McRae,  
Airframe and Propulsion Branch,  
Aircraft Certification Service,  
Department of Transportation, Federal  
Aviation Administration, Northwest  
Mountain Region, 1601 Lind Avenue  
SW., Renton, Washington 98055-4056,  
206 227-2133

RIN: 2120-AD34

**2321. USE OF INERT GAS FOR TIRE  
INFLATION IN LIEU OF AIR****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)**CFR Citation:** 14 CFR 25**Legal Deadline:** None**Abstract:** This notice proposed to  
require that an inert gas, such as  
nitrogen, be used in lieu of air, for  
inflation of tires on certain transport  
category airplanes. This action was  
prompted by at least three cases in  
which the oxygen in air-filled tires  
combined with volatile gases, given off



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by a severely overheated tire, and exploded upon reaching autoignition temperature. The use of an inert gas for tire inflation will eliminate the possibility of a tire explosion.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/90	55 FR 7876
NPRM Correction	03/21/90	55 FR 10467
NPRM Comment	09/03/90	
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
03/05/90 (55 FR 7876)

**Additional Information:** Project No. ANM-87-027R.

**Agency Contact:** Gary D. Lium, Regulations Branch, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2118

**RIN:** 2120-AD37

### 2322. DESIGN STANDARDS FOR AIRPLANE JACKING AND TIE-DOWN PROVISIONS

**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)

**CFR Citation:** 14 CFR 25

**Legal Deadline:** None

**Abstract:** This notice proposed new design standards for airplane jacking and tie-down provisions for transport category airplanes. This proposal is needed to provide manufacturers of transport category airplanes with design standards for jacking conditions and is intended to provide protection of the airplane primary structure during wind gust conditions, during jacking operations, and while tied down.

**Timetable:**

Action	Date	FR Cite
NPRM	02/09/90	55 FR 4790
NPRM Comment	08/08/90	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
02/09/90 (55 FR 4790)

**Additional Information:** Project No. ANM-84-006R. This project was formerly entitled Airplane Jacking Loads.

**Agency Contact:** Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2120

**RIN:** 2120-AD38

### 2323. AIRWORTHINESS STANDARDS; SMALL AIRPLANES WITH STALL SPEED GREATER THAN 61 KNOTS

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

**CFR Citation:** 14 CFR 23

**Legal Deadline:** None

**Abstract:** This notice proposed to amend the 61-knot stall speed limitation requirement applicable to normal, utility, and acrobatic category single-engine and certain multiengine small airplanes of less than 6,000 pounds maximum weight. The proposal would require additional occupant protection requirements for those airplanes with a stall speed exceeding 61 knots. This proposal retains the current level of airplane occupant protection and permits the design and type certification of higher performance, single-engine airplanes capable of attaining an increase in cruise speeds with better specific fuel consumption. This improvement in performance and operating economies cannot be achieved without substantial increased cost and complexity if these designs are constrained by the present 61-knot stall speed limitation.

**Timetable:**

Action	Date	FR Cite
NPRM	05/13/91	56 FR 22070
NPRM Comment	09/10/91	
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility  
Analysis; Regulatory Evaluation  
05/13/91 (56 FR 22070)

**Additional Information:** This project was formerly entitled "61-Knot Stall Speed; Stall Speeds for Single-Engine Airplanes." Project Number ACE-83-006R.

**Agency Contact:** Victor F. Sokoloski, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-6941

**RIN:** 2120-AD48

### 2324. CENTRALIZATION OF FORMAL HEARING DOCKETS (FAA)

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401 to 1406; 49 USC 1421 to 1428; 49 USC 1471; 49 USC 1475; 49 USC 1481; 49 USC 1482(a) to 1482(c); 49 USC 1484 to 1489; 49 USC 1655(c); 49 USC 1808 to 1810; 49 USC 2218 to 2219; 49 USC 106(g)

**CFR Citation:** 14 CFR 13

**Legal Deadline:** None

**Abstract:** This final action would provide that documents and evidence in formal hearing cases adjudicated within the Federal Aviation Administration would be filed and maintained in the Office of the Secretary's Office of Documentary Services. The change would be made in order to streamline operations and to consolidate the documents used in formal hearing cases.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Denise Daniels Ross, Special Assistant to the Chief Counsel, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3773

**RIN:** 2120-AD63



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**2325. TEMPORARY RESTRICTION OF INSTRUMENT APPROACHES AND CERTAIN VISUAL FLIGHT RULES OPERATIONS IN HIGH PRESSURE WEATHER CONDITIONS****Significance:** Nonsignificant**Legal Authority:** 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 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 106(g); EO 11514**CFR Citation:** 14 CFR 91**Legal Deadline:** None**Abstract:** This notice would propose to amend the Federal Aviation Regulations to authorize the issuance of temporary flight restrictions to certain operations when accurate altitude information is not available.**Timetable:**

Action	Date	FR Cite
NPRM	03/12/92	57 FR 8830
NPRM Comment Period End	05/11/92	
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 03/12/92 (57 FR 8830)**Additional Information:** Project Number AFS-90-183R.**Agency Contact:** Donell Pollard, Regulations Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096**RIN:** 2120-AD75**2326. APPLICATIONS FOR EXPORT AIRWORTHINESS APPROVALS****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 106(g); EO 11514**CFR Citation:** 14 CFR 21**Legal Deadline:** None**Abstract:** This notice would propose to amend the Federal Aviation Regulations by allowing Parts Manufacturer Approval, Approved Production Inspection System, and Technical Standard Order authorization holders to

apply orally for the issuance of Export Airworthiness Approval for their Class II products.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** This project was formerly entitled "Export Airworthiness Approvals; Oral Applications." Project Number AIR-89-206R.**Agency Contact:** Terry Allen, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8361**RIN:** 2120-AD81**2327. FLIGHT RECORDERS AND COCKPIT VOICE RECORDERS****Significance:** Nonsignificant**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1355; 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 106(g); ...**CFR Citation:** 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135**Legal Deadline:** None**Abstract:** This final rule would amend the Federal Aviation Regulations to correct portions of the flight recorder specifications.**Timetable:**

Action	Date	FR Cite
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Final Action 10/00/92

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/00/92**Additional Information:** Project Number AIR-90-186R.**Agency Contact:** Frank Rock, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue SW., Washington, DC 20591, 202 267-9567

**RIN:** 2120-AE39**2328. PART 157 REVIEW****Significance:** Nonsignificant**Legal Authority:** 49 USC 1350; 49 USC 1354(a); 49 USC 1355**CFR Citation:** 14 CFR 157**Legal Deadline:** None**Abstract:** This action will respond to comments invited on the final rule of 07/24/91 (56 FR 33994) concerning construction, alteration, activation, and deactivation of airports.**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** Project No: ATP-91-204R**Agency Contact:** Richard Kagehiro, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7667**RIN:** 2120-AE52**2329. PART 95 INSTRUMENT FLIGHT RULES****Significance:** Routine and Frequent**Legal Authority:** 49 USC 1348; 49 USC 1354; 49 USC 1510; 49 USC 106(g)**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. 10/00/92 - 10/00/93.**Timetable:**

Action	Date	FR Cite
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Final Action 10/00/93

**Small Entities Affected:** None**Government Levels Affected:** None**Agency Contact:** Louis C. Cusimano, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800



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Independence Avenue SW.,  
Washington, DC 20591, 202 267-8212  
RIN: 2120-AA63

**2330. AIRWORTHINESS DIRECTIVES**

**Significance:** Routine and Frequent  
**Legal Authority:** 49 USC 1421; 49 USC 1423; 49 USC 106(g)  
**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-400. 10/00/92 - 10/00/93.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Jack McGrath, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9580

RIN: 2120-AA64

**2331. STANDARD INSTRUMENT APPROACH PROCEDURES**

**Significance:** Routine and Frequent  
**Legal Authority:** 49 USC 1348; 49 USC 1354(a); 49 USC 1421; 49 USC 1510; 49 USC 106(g)  
**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--2,800. 10/00/92 - 10/00/93.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Louis C. Cusimano, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8212

RIN: 2120-AA65

**2332. AIRSPACE ACTIONS**

**Significance:** Routine and Frequent  
**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 1522  
**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-240.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard Huff, Manager, Airspace Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3075

RIN: 2120-AA66

**DEPARTMENT OF TRANSPORTATION (DOT)  
Federal Aviation Administration (FAA)**

Completed Actions

**2333. + PRIMARY CATEGORY AIRCRAFT**

**Significance:** Regulatory Program  
**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); 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:** This action established a new primary category of aircraft and new, simplified procedures for type, production and airworthiness certification, and associated maintenance procedures. These aircraft are of simple design intended exclusively for pleasure and personal use. This action also added a new

section addressing the falsification of documents submitted as part of certification for products and parts. This action was considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9738
NPRM Comment Period End	09/07/89	
Comment Period Reopened; Comment Period End	08/01/91	56 FR 36976
SNPRM; Comment Period End	08/01/91	56 FR 36972
NPRM/SNPRM Comment Period Extended to	09/30/91	56 FR 49660
	11/29/91	

Action	Date	FR Cite
Final Action	09/09/92	57 FR 41360
Final Rule Correction	09/22/92	57 FR 43776
Final Action Effective	12/31/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 09/09/92 (57 FR 41360)

**Additional Information:** Formerly entitled Primary Category Aircraft; Powered Ultralight; Falsification of Applications, Reports, or Records.

RIN 2120-AD58, Noise Requirements for Primary Category Aircraft, has been consolidated into this rulemaking.

Project Numbers AIR-90-111R and AIR-83-133R.



## DOT-FAA

## Completed Actions

**Agency Contact:** Lyle Davis, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9583

**RIN:** 2120-AB53

### 2334. + HIGH DENSITY TRAFFIC AIRPORTS SLOT ALLOCATION AND TRANSFER METHODS (NEW ENTRANTS)

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1421; 49 USC 1424; 49 USC 106(g); PL 101-508

**CFR Citation:** 14 CFR 93

**Legal Deadline:** NPRM, Statutory, July 1, 1991.

Airport Noise and Capacity Act of 1990

**Abstract:** This action established more efficient methods of allocating existing capacity at high density airports in order to provide improved opportunities for operation by new entrant air carriers. In addition, this rulemaking added a new definition of a "limited incumbent," allocated all newly available slots to new entrants and limited incumbents, amended the use-or-lose provisions, and created a special pool of slots for use by new entrants and limited incumbents. This rulemaking was considered significant because of substantial congressional and public interest.

#### Timetable:

Action	Date	FR Cite
NPRM	12/22/88	53 FR 51628
NPRM Comment Period End	02/06/89	
SNPRM; Comment Period End	09/13/91	56 FR 46674
Final Action	08/18/92	57 FR 37308
Final Action Effective	11/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/18/92 (57 FR 37308)

**Additional Information:** Project Number ATP-91-046R.

This project was formerly titled New Entrant Slots.

The Department of Transportation and the FAA believed that the most productive and efficient means of initiating the rulemaking required by the Airport Noise and Capacity Act of 1990 would be to incorporate Notice Number 88-18 (53 FR 51628, December 22, 1988) into this rulemaking.

Therefore, the supplemental notice of proposed rulemaking represented a continuation of the rulemaking initiated in Notice Number 88-18, as well as the Department of Transportation's action in compliance with the requirements of the Act. The comments received in response to Notice Number 88-18 were addressed, together with the additional comments received in response to the supplemental notice. (A correction to the existing rule was published 11/06/91, 56 FR 56571.)

**Agency Contact:** David Bennett, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3491

**RIN:** 2120-AD93

### 2335. + MISCELLANEOUS OPERATIONAL AMENDMENTS

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

**CFR Citation:** 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

**Legal Deadline:** None

**Abstract:** This action amended several sections of the Federal Aviation Regulations. Several proposals provide the FAA with the means to enforce certain safety regulations. Others made current operator practices regulatory requirements. Several proposals established regulations on child restraint systems, safety belts aboard airships, and flight crewmember use of shoulder harnesses aboard aircraft. Two of the proposals clarified the regulations concerning fire extinguishers and protective breathing equipment, and one obsolete section of the regulations and several obsolete references to particular dates were removed. This action will reduce the number of passenger violations and

enhance safety aboard aircraft. This rulemaking was considered significant because of substantial public interest and safety implications.

#### Timetable:

Action	Date	FR Cite
NPRM	03/01/90	55 FR 7414
NPRM Comment Period End	05/30/90	
Final Action	09/15/92	57 FR 42662
Final Action Correction	09/22/92	57 FR 43776
Final Action Effective	10/15/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
03/01/90 (55 FR 7414)

**Additional Information:** Project No. AFS-84-191R.

**Agency Contact:** Larry Youngblut, Air Transportation Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3755

**RIN:** 2120-AB45

### 2336. + IMPROVED ACCESS TO TYPE III EXITS

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 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 final rule revises the Federal Aviation Regulations to require improved access to Type III emergency exits (typically smaller over-wing exits) in transport category airplanes with 60 or more passenger seats. These changes are the result of tests which were conducted at the FAA's Civil Aeromedical Institute, and are intended to improve the ability of occupants to evacuate an airplane under emergency conditions. They affect air carriers and commercial operators of transport category airplanes as well as the manufacturers of such airplanes.



DOT-FAA

Completed Actions

## Timetable:

Action	Date	FR Cite
NPRM	04/09/91	56 FR 14446
NPRM Comment	10/07/91	
Period End		
Final Action	05/04/92	57 FR 19220
Final Action	06/03/92	
Effective		
Final Rule	06/30/92	57 FR 29120
Correction		
Final Rule	08/06/92	57 FR 34681
Correction		

Small Entities Affected: None

Government Levels Affected: None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 05/04/92 (57 FR 19220)

**Additional Information:** Formerly entitled Improved Access to Type III and Type IV Emergency Exits. Project No. ANM-86-007R.

**Agency Contact:** Gary L. Killion, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2114

RIN: 2120-AC46

### 2337. + REVISION OF AVIATION MAINTENANCE TECHNICIAN SCHOOLS REGULATIONS

Significance: Agency Priority

**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 147

Legal Deadline: None

**Abstract:** This action updated the regulations for certificating aviation maintenance technician schools (AMTS) to accommodate the increasing demand for maintenance technicians with higher levels of skill and knowledge. This action (1) modified portions of the current rule that have been open to subjective judgments by the FAA and the AMTS industry and (2) modified the portions that specify the skill and knowledge requirements for an aviation maintenance technician. In addition, this action revised the core curriculum to ensure that a person graduating from an aviation maintenance technician school will be prepared to function in the current technological environment. This rulemaking was considered significant because of substantial public interest.

## Timetable:

Action	Date	FR Cite
NPRM	09/11/90	55 FR 37416
NPRM Comment	12/11/90	
Period End		
Final Action	06/29/92	57 FR 28952
Final Action	09/28/92	
Effective		

Small Entities Affected: None

Government Levels Affected: None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 06/29/92 (57 FR 28952)

**Additional Information:** Project No. AFS-87-190R.

**Agency Contact:** Leslie K. Vipond, Aircraft Maintenance Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3269

RIN: 2120-AD09

### 2338. + VIBRATION, BUFFET AND AEROELASTIC STABILITY REQUIREMENTS FOR 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)

CFR Citation: 14 CFR 25

Legal Deadline: None

**Abstract:** This amendment revised the airworthiness standards for transport category airplanes concerning flutter, divergence, vibration, and buffet. It clarified the requirement to consider flutter and divergence when treating certain damage and failure conditions required by other sections of the Federal Aviation Regulations. It revised the safety margins related to aeroelastic stability to make them more appropriate for the conditions to which they apply. These changes are intended to provide consistency with other sections of the Federal Aviation Regulations, to relieve a design burden which is now unnecessary as a result of advances in technology, and to improve certain safety margins as a result of the evolution in the design of transport airplanes. This action was considered

significant because of substantial public interest.

## Timetable:

Action	Date	FR Cite
NPRM	09/12/89	54 FR 37768
NPRM Comment	03/12/90	
Period End		
Final Action	06/29/92	57 FR 28946
Final Action	07/29/92	
Effective		

Small Entities Affected: None

Government Levels Affected: None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 06/29/92 (57 FR 28946)

**Additional Information:** Project No. ANM-86-024R.

**Agency Contact:** James Haynes, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2131

RIN: 2120-AD36

### 2339. + FLIGHT RECORDERS AND COCKPIT VOICE RECORDERS

Significance: Agency Priority

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 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 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

**Abstract:** This final rule amends the Federal Aviation Regulations to allow Part 91 operators to continue flight, or ferry certain aircraft, in the event that the flight recorder and/or cockpit voice recorder is inoperable. This change provides Part 91 operators similar relief to that afforded air carriers and commercial operators operating under Part 91 of the Federal Aviation Regulations. Additionally, this change permits Part 91 operators to operate for up to 15 days with an inoperative flight recorder or cockpit voice recorder. These amendments are intended to prevent Part 91 operations from being forced out of service unnecessarily. This rulemaking was considered



## DOT—FAA

## Completed Actions

significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/11/91	56 FR 51618
Final Action	05/05/92	57 FR 19350

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
05/05/92 (57 FR 19350)

**Additional Information:** Project Number AFS-90-326R.

**Agency Contact:** Thomas Glista, Regulations Branch, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8150

**RIN:** 2120-AD82

### 2340. + AIR TRAFFIC CONTROL RADAR BEACON SYSTEM AND MODE S TRANSPONDER REQUIREMENTS IN THE NATIONAL AIRSPACE SYSTEM

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421; 49 USC 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action rescinded the requirement that any transponder newly installed in an aircraft must be a Mode S transponder. This action was necessary because the Mode S ground sensors are not expected to be fully operational until late 1995 and the Air Traffic Subcommittee (an entity of the Aviation Rulemaking Advisory Committee) has recommended further study as to Mode S transponder requirements for general aviation. This action was considered significant because of substantial public and industry interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/29/92	57 FR 23038
NPRM Comment Period End	06/29/92	
Final Action Effective	07/30/92	

Action	Date	FR Cite
Final Action	08/05/92	57 FR 34614

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/05/92 (57 FR 34614)

**Additional Information:** Project Number ATP-91-203R.

**Agency Contact:** Aaron I. Boxer, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8783

**RIN:** 2120-AE27

### 2341. ● + PROHIBITION AGAINST CERTAIN FLIGHTS BETWEEN THE UNITED STATES AND LIBYA

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421; 49 USC 1421 to 1431; 49 USC 1471 to 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 42 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** This action complies with the Order of the President of the United States to prohibit the takeoff from, landing in, or overflight of the territory of Libya, other than takeoffs, landings, or overflights expressly approved by a United Nations special committee. This action also prohibits the landing in, takeoff from, or overflight of the territory of the United States by any aircraft on a flight from or to any intermediate destination, if the flight's origin or ultimate destination is Libya. This action is taken to prevent an undue hazard to the aircraft that would be engaged in such a flight, as well as to persons involved in the flight, arising from international adherence to or enforcement of UN Security Council Resolution 748 (1992) mandating, inter alia, an embargo of most air traffic with Libya. Issuance of this rule implements and is fully consistent with UN Security Council Resolution 748. This action was significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	04/16/92	
Final Action	04/20/92	57 FR 14472
Expiration Date	04/16/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/20/92 (57 FR 14472)

**Additional Information:** Notice and public comment under 5 USC 553(b) were impracticable and contrary to the public interest.

**Agency Contact:** Patricia R. Lane, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3491

**RIN:** 2120-AE48

### 2342. ● + ALTERNATIVE NOISE CERTIFICATION FOR NORMAL, TRANSPORT, AND RESTRICTED CATEGORY OF HELICOPTERS NOT EXCEEDING 6,000 POUNDS MAXIMUM TAKEOFF WEIGHT

**Significance:** Agency Priority

**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 7572; 49 USC 106(g); 49 USC 2121 to 2125; 42 USC 4321; PL 98-473, sec 124; EO 11514

**CFR Citation:** 14 CFR 21; 14 CFR 36

**Legal Deadline:** None

**Abstract:** This action would add a new Appendix J as an optional alternative to FAR Part 36, Noise Standards: Aircraft Type and Airworthiness Certification. Appendix J would provide an alternative to the helicopter noise standards required in Appendix H of Part 36 for normal, transport, and restricted category helicopters not exceeding 6000 pounds maximum takeoff weight. Also, this rule amended sections of part 36 to incorporate references to Appendix J where applicable. This action was considered significant because of substantial public and industry interest.



DOT—FAA

Completed Actions

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/92	57 FR 28142
NPRM Comment Period End	07/06/92	
Final Action Effective	09/11/92	
Final Action	09/16/92	57 FR 42846
Final Rule Correction	10/07/92	57 FR 46243

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 09/16/92 (57 FR 42846)**Additional Information:** Project AEE-92-185R

**Agency Contact:** Kenneth E. Jones, Research and Engineering Branch, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3554

**RIN:** 2120-AE50**2343. ● + PROHIBITION AGAINST CERTAIN FLIGHTS BETWEEN THE UNITED STATES AND YUGOSLAVIA****Significance:** Agency Priority

**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 141 to 1472; 4 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; 49 USC 106(g)

**CFR Citation:** 14 CFR 91**Legal Deadline:** None

**Abstract:** This action complies with the Order of the President of the United States to prohibit the takeoff from, landing in, or overflight of the territory of the United States by an aircraft on a flight to or from the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro). This action also prohibits the landing in, takeoff from, or overflight of the territory of the United States by any aircraft on a flight from or to any intermediate destination, if the flight is destined to land in or take off from Yugoslavia. This action is taken to prevent an undue hazard to the aircraft that would be engaged in such a flight, as well as to persons involved in the flight, arising from international adherence to or enforcement of UN Security Council Resolution 757 (1992) mandating, inter

alia, an embargo of most air traffic with Yugoslavia. Issuance of this rule implements and is fully consistent with UN Security Council Resolution 757. This action is significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	06/19/92	57 FR 28030
Final Action	06/23/92	57 FR 28030
Expiration Date	06/19/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 06/23/92 (57 FR 28030)

**Additional Information:** This action was inadvertently published as RIN 2120-AE48; the correct RIN is 2120-AE53. The Notice of Sanctions, signed by the Assistant Secretary for Policy and International Affairs, was published in the Federal Register on 07/13/92 (57 FR 30994). The Department's effectuating Order was 92-6-27.

**Agency Contact:** Patricia R. Lane, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3491

**RIN:** 2120-AE53**2344. ● + ANTI-DRUG PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES****Significance:** Agency Priority

**Legal Authority:** 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; PL 97-449

**CFR Citation:** 14 CFR 121**Legal Deadline:** None

**Abstract:** This action delayed the effective date of the anti-drug rule for persons located outside the territory of the United States. Under this final rule, employees located outside the territory of the United States will be subject to the provisions of the anti-drug, including requirements for drug testing, on January 2, 1995. This extension of the effective date was adopted in order to allow negotiation with foreign governments and international organizations to continue in an orderly

and effective fashion. This action was considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Final Action	07/14/92	57 FR 31275

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 07/14/92 (57 FR 31275)**Additional Information:** Project Number: AAM-92-173R

**Agency Contact:** William McAndrew, Office of Aviation Medicine, Drug Abatement Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 366-6710

**RIN:** 2120-AE76**2345. REVIEW OF PART 135, AIR TAXI OPERATORS AND COMMERCIAL OPERATORS****Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

**CFR Citation:** 14 CFR 135**Legal Deadline:** None

**Abstract:** This part governs: (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.

This part was reviewed to comply with the Regulatory Flexibility Act. Upon completion of review, it was determined that no revisions or amendments were necessary.

**Timetable:**

Action	Date	FR Cite
End Review	05/20/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Analysis:** Regulatory Flexibility Analysis

**Agency Contact:** Marvin L. Olson, Manager, Systems & Policy Analysis Division, Department of Transportation, Federal Aviation Administration, 800



## DOT-FAA

## Completed Actions

Independence Avenue SW.,  
Washington, DC 20591, 202 267-3296

RIN: 2120-AB28

**2346. PROPOSED ALTERATION OF THE HOUSTON HOBBY TERMINAL CONTROL AREA AND REVOCATION OF THE HOUSTON HOBBY AIRPORT RADAR SERVICE AREA, TEXAS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1301(a); 49 USC 1303(a); 49 USC 1344; 49 USC 1348(a); 49 USC 1352 to 1355; 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 106(g)

**CFR Citation:** 14 CFR 71; 14 CFR 91

**Legal Deadline:** None

**Abstract:** This amendment alters the Houston, Texas, Terminal control area (TCA) by expanding the lateral limits. This action established TCA airspace at the William P. Hobby Airport and revoked the current Airport Radar Service Area to accommodate configuration for the Houston TCA.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/91	56 FR 27654
Correction; NPRM	07/03/91	56 FR 30618
NPRM Comment Period End	08/12/91	
Final Action	07/10/92	57 FR 30818
Final Rule Correction	09/02/92	57 FR 40095
Final Action Effective	10/15/92	57 FR 30818

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/14/91 (56 FR 27654); Regulatory Evaluation 07/10/92 (57 FR 30818)

**Additional Information:** Project Number ATP-90-202T.

**Agency Contact:** Patricia Crawford, Airspace and Obstruction Evaluation Branch, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9255

RIN: 2120-AD04

**2347. OPERATIONS OVER THE HIGH SEAS AND WITHIN THE NORTH ATLANTIC MINIMUM NAVIGATION PERFORMANCE SPECIFICATION AIRSPACE**

**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; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

**CFR Citation:** 14 CFR 91

**Legal Deadline:** None

**Abstract:** The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), within which several subcommittees were established to provide advice and recommendations to the FAA on the full range of aviation-related issues. The General Aviation Operations Subcommittee has been tasked to evaluate the advantages and disadvantages of developing advisory material and/or further regulations that provide an adequate level of safety and assure international standards are met by U.S. civil operators when operating over the high seas.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/05/90	55 FR 36592
ANPRM Comment Period End	01/03/91	
Consolidated into RIN 2120-AE71	07/06/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This project was formerly entitled "North Atlantic Minimums/Minimum Navigational Performance Standards." Project Number AFS-89-175R. This issue has been consolidated into RIN 2120-AE71, titled Part 61 - Phase II.

**Agency Contact:** William Cook, General Aviation and Commercial Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3640

RIN: 2120-AD59

**2348. TERMINAL AIRSPACE REVIEW**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g)

**CFR Citation:** 14 CFR 71

**Legal Deadline:** None

**Abstract:** This action amended the Federal Aviation Regulations by revising all control zones and transition areas and specific terminal control areas and airport radio service areas. It will ease the conversion from existing control zone and transition areas to the new airspace designations established under the Airspace Reclassification final rule, which is effective September 16, 1993, and is consistent with the primary intention of the Airspace Reclassification to simplify airspace designations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/01/92	57 FR 18954
NPRM Comment Period End	06/15/92	
Final Action	08/27/92	57 FR 38962

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/27/92 (57 FR 38962)

**Additional Information:** Project Number ATP-90-439R. Amendment to currently effective section 71.1 is effective 10/15/92; amendment to section 71.1, which is effective 09/16/93, will be effective on that date.

**Agency Contact:** William M. Mosley, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9251

RIN: 2120-AE18

**2349. AIRPORT SIGNS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1354(a); 49 USC 1432; 49 USC 106(g)

**CFR Citation:** 14 CFR 139

**Legal Deadline:** None

**Abstract:** This rule extends the compliance date by which airports certificated under Part 139 must comply with certain sign requirements. This extension will provide the time necessary for industry to manufacture, and airport operators to install, the required signs.



## DOT-FAA

## Completed Actions

## Timetable:

Action	Date	FR Cite
Final Action	09/24/92	57 FR 15162

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation  
09/24/92 (57 FR 15162)

Additional Information: Project Number  
AAS-89-132R.

Agency Contact: William Deloach,  
Airport Safety and Compliance Branch,  
Office of Airport Safety and Standards,  
Department of Transportation, Federal  
Aviation Administration, 800  
Independence Avenue SW.,  
Washington, DC 20591, 202 267-8723

RIN: 2120-AE37

**2350. ● SPECIAL FEDERAL AVIATION  
REGULATION (SFAR) NO. 50-2:  
SPECIAL FLIGHT RULES IN THE  
VICINITY OF THE GRAND CANYON  
NATIONAL PARK**

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49  
USC 1303; 49 USC 1344; 49 USC 1348; 49  
USC 1352 to 1355; 49 USC 1301; 49 USC  
1421 to 1431; 49 USC 1471 to 1472; 49  
USC 1502; 49 USC 1510; 49 USC 1522; 49  
USC 2121 to 2125; 42 USC 4321 et seq;  
EO 11514; 49 USC 106(g)

CFR Citation: 14 CFR 91; 14 CFR 135

Legal Deadline: None

Abstract: This final rule continues for  
an additional 3 years the effectiveness  
of the temporary procedures for the  
operation of all aircraft in the airspace  
above Grand Canyon National Park up  
to an altitude of 14,500 feet above mean  
sea level. The provisions of SFAR 50-2  
originally established the flight

restriction areas for a period of 4 years  
to allow the National Park Service  
(NPS) time to complete studies of the  
impact of aircraft overflights on the  
Grand Canyon and to forward its  
recommendations to the FAA. This rule  
continues the effectiveness of these  
procedures while NPS studies and  
analyses are being conducted.

## Timetable:

Action	Date	FR Cite
NPRM	02/04/92	57 FR 4352
NPRM Comment Period End	04/06/92	
Final Action	06/15/92	57 FR 26764

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation  
06/15/92 (57 FR 26764)

Additional Information: Project  
Number: ATP-92-013R

Agency Contact: Melodie DeMarr  
Fouts, Air Traffic Rules Branch,  
Department of Transportation, Federal  
Aviation Administration, 800  
Independence Avenue SW.,  
Washington, DC 10591, 202 267-8783

RIN: 2120-AE68

**2351. ● SPECIAL FEDERAL AVIATION  
REGULATION NO. 38; CERTIFICATION  
AND OPERATING REQUIREMENTS**

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC  
1421 to 1431; 49 USC 1502; 49 USC  
106(g); 49 USC 1348; 49 USC 1356 to  
1357; 49 USC 1502; 49 USC 1511; 59 USC  
1355(a); PL 101-604

CFR Citation: 14 CFR 121; 14 CFR 125;  
14 CFR 127; 14 CFR 129; 14 CFR 135

Legal Deadline: None

Abstract: This amendment established  
a new termination date for Special  
Federal Aviation Regulation (SFAR) No.  
38-2, which contains the certification  
and operating requirements for persons  
conducting commercial passenger or  
cargo operations. This was necessary to  
establish a new termination date for  
SFAR 38-2 to allow time for the FAA to  
complete the rulemaking process that  
will consolidate the rules regarding  
certification and operating requirements  
and incorporate SFAR 38-2 into the  
Federal Aviation Regulations.  
Therefore, the expiration date of  
06/01/92 was extended to 06/01/93.  
However, if a final rule, which  
consolidates those rules, is issued  
before the new termination date, the  
FAA intends to publish a notice  
rescinding SFAR 38-2 concurrently with  
the publication of the final rule in the  
Federal Register.

## Timetable:

Action	Date	FR Cite
Final Action Effective	06/01/92	
Final Action	06/04/92	57 FR 23922

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation  
06/04/92 (57 FR 23922)

Additional Information: Project  
Number: AFS-89-051R

Agency Contact: Doneli Pollard, Air  
Transportation Division, Flight  
Standards Service, Department of  
Transportation, Federal Aviation  
Administration, 800 Independence  
Avenue SW., Washington, DC 20591,  
202 267-3750

RIN: 2120-AE75

**DEPARTMENT OF TRANSPORTATION (DOT)  
Federal Highway Administration (FHWA)**

## Prerule Stage

**2352. TRUCK SIZE AND WEIGHT;  
DROMEDARY BOXES CARRYING  
EXPLOSIVES**

Significance: Nonsignificant

Legal Authority: 23 USC 127; 23 USC  
315; 49 USC app 2311 to 2313; 49 USC  
app 2316

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This rulemaking responds to  
a petition filed by the North American  
Transportation Consultants (NATC) on  
behalf of explosive carriers seeking an  
amendment to the FHWA dromedary  
box regulations contained in 23 CFR  
658. The NATC is requesting that truck  
tractors equipped with dromedary  
boxes designed for the transportation of  
class A or B explosives, when empty or  
carrying such explosives, be subject to

Federal rather than State length limits  
when in combination with semitrailers  
operating on the National Network.  
Explosive carriers often transport  
certain portions of their cargo in a  
dromedary box in compliance with  
Federal hazardous materials  
regulations. Under the existing  
regulation, truck tractors equipped with  
dromedary boxes, decks, or plates may  
operate on the National Network with



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Prerule Stage

semitrailer lengths authorized under the Surface Transportation Assistance Act of 1982 (STAA) only if the dromedary equipment was installed on the trailer by December 1, 1982.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined  
 Small Entities Affected: None  
 Government Levels Affected: State

**Additional Information:** An emergency rule was published 02/01/91 (56 FR 4164) under RIN 2125-AC72. Comments received in response to this emergency rule will be considered in taking the next action under RIN 2125-AC61. The emergency rule expired 08/01/91.

**Agency Contact:** Max Pieper, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4029

**RIN:** 2125-AC61

**2353. PARTS AND ACCESSORIES FOR SAFE OPERATION: INTERMODAL CARGO CONTAINERS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 3102; 49 USC app 2505; 49 USC 1.48

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

**Abstract:** The purpose of this ANPRM is to gather information and views regarding the need, if any, to amend the

requirements of the Federal Motor Carrier Safety Regulations for securing intermodal cargo containers to the truck chassis.

**Timetable:**

Action	Date	FR Cite
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ANPRM 01/00/93

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Agency Contact:** William Blount, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2884

**RIN:** 2125-AC74

**DEPARTMENT OF TRANSPORTATION (DOT)  
 Federal Highway Administration (FHWA)**

Proposed Rule Stage

**2354. + COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER**

**Significance:** Regulatory Program  
**Legal Authority:** PL 100-690, Sec 9105  
**CFR Citation:** 49 CFR 383  
**Legal Deadline:** Final, Statutory, December 31, 1990.  
 public interest.

**Abstract:** This action was initiated to improve identification systems for truck and bus drivers as identified by the Congress in the Truck and Bus Regulatory Reform Act of 1988. Alternatives that were considered included retinal eye scans and advanced fingerprint technologies. After (1) further review (2) a careful analysis of public comments submitted to the ANPRM and (3) a review of demonstration project results, the FHWA has determined that current technology has not progressed to the point where an identification system could be established nationwide in a cost-effective manner and still provide the benefits for which a system was intended. Therefore, the FHWA has published an informational notice to summarize the results of the pilot study and the comments to the ANPRM to demonstrate how the technologies studied fall short of the demands in a commercial licensing environment. When information is available that the

technologies would be beneficial to the CDL program and after completing additional studies on the accuracy of the current systems, the FHWA will propose standards for the biometric identifier. This project is considered significant because of substantial (cont)

**Timetable:**

Action	Date	FR Cite
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ANPRM 05/15/89 54 FR 20875

ANPRM 07/14/89 54 FR 20875

Comment Period End

Information 03/08/91 56 FR 9925

Notice Published

Next Action Undetermined

**Small Entities Affected:** None  
**Government Levels Affected:** State  
**Analysis:** Regulatory Evaluation

**Additional Information:** ABSTRACT CONT: public interest.

**Agency Contact:** Jill L. Hochman, Chief, Driver Standards Division, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

**RIN:** 2125-AC24

**2355. + SIMPLIFYING REVISIONS AND WEIGHT THRESHOLD ADJUSTMENTS TO THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS**

**Significance:** Agency Priority  
**Legal Authority:** 49 USC app 2505; 49 USC 504; 49 USC 3102; 49 CFR 1.48  
**CFR Citation:** 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 396

**Legal Deadline:** None

**Abstract:** The FHWA is proposing to exempt commercial motor vehicles (CMV's) with a gross vehicle weight rating (GVWR) or combination weight rating of less than 26,001 pounds from the Federal Motor Carrier Safety Regulations (FMCSR's), 49 CFR Parts 390 through 399. This exemption would not apply to: 1) vehicles transporting hazardous materials in quantities which require placarding, 2) vehicles transporting more than 15 passengers (including the driver), or the financial responsibility requirements in 49 CFR 387, from which the Motor Carrier Act of 1980 gave no provisions for waivers. The FHWA is also proposing numerous technical revisions. This rulemaking is considered significant because of its potential impact on the motor carrier industry.



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Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	02/17/89	54 FR 7224
ANPRM	04/03/89	54 FR 13391
Comment Period Extended to 06/19/89		
ANPRM	04/18/89	54 FR 7224
Comment Period End		
ANPRM	06/15/89	54 FR 25484
Comment Period Extended to 11/03/89		
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation 10/00/92

**Additional Information:** This action was formerly titled "Federal Motor Carrier Safety Regulations; General; Commercial Motor Vehicle Definition".

**Agency Contact:** James Scapellato, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AC27

**2356. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; MOTOR VEHICLE MARKING**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 3102; 49 USC app 2503; 49 USC app 2505

**CFR Citation:** 49 CFR 390

**Legal Deadline:** None

**Abstract:** This rulemaking would revise 49 CFR 390.21 concerning the marking of motor vehicles. The marking requirement was promulgated in part to identify the motor-carrier population subject to the regulations and to assist in maintaining a current, up-to-date census file of all those motor carriers. This action would consider the possible use of a postcard-type form for annual census purposes in lieu of Forms MCS-137 and MCS-150, and is considered significant because of substantial public and industry interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/17/89	54 FR 29912
ANPRM	09/15/89	
Comment Period End		
Next Action Undetermined		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** The action with reference to marking treatment of rental vehicles was removed from this rulemaking and completed 02/28/90 (55 FR 6991) under RIN 2125-AC51. The issue of marking requirements for all commercial motor vehicles operated in interstate commerce was designated RIN 2125-AC82, and was a completed action in the April 1992 Agenda.

**Agency Contact:** Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AC28

**2357. + QUALIFICATION OF DRIVERS; VISION**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 2505; 49 USC 3102

**CFR Citation:** 49 CFR 391

**Legal Deadline:** None

**Abstract:** This rulemaking action is considering revisions to current driver qualification requirements by allowing certain persons who have vision problems to operate commercial motor vehicles in interstate commerce provided certain medical conditions are met. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/28/92	57 FR 6793
ANPRM	04/28/92	
Comment Period End		
Next Action Undetermined		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** The decision to issue waivers of the vision requirements was finalized 07/16/92 (57

FR 31458) and waiver applications were accepted through 09/21/92. Further rulemaking on vision is deferred until completion of the waiver study. Issues regarding hearing and epilepsy will be handled hereafter under separate RINs.

**Agency Contact:** Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AC82

**2358. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL TRANSPORTATION OF HAZARDOUS MATERIALS**

**Significance:** Agency Priority

**Legal Authority:** 49 USC app 2503; 49 USC app 2505; 49 USC 3102; 49 USC 3104

**CFR Citation:** 49 CFR 390.3; 49 CFR 397

**Legal Deadline:** Final, Statutory, November 15, 1991.

**Abstract:** This rulemaking will implement the statutory requirements of sections 8 and 15 of the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) of 1990. Section 8 addresses the establishment of motor carrier safety permit regulations for motor carriers transporting Class A or B explosives, liquefied natural gases, hazardous materials designated as extremely toxic by inhalation, or highway route controlled quantity radioactive materials. Section 15 of the HMTUSA requires inspection of vehicles transporting those radioactive materials before each trip. The proposed rule will incorporate those provisions into the safety permit regulations. This action is considered significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Analysis:** Regulatory Evaluation 10/00/92

**Additional Information:** AGENCY CONTACT: The telephone number for Neill Thomas is (202) 366-2983.

**Agency Contact:** Lee Jackson or Neill Thomas, Department of Transportation.



## DOT—FHWA

## Proposed Rule Stage

Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4415

RIN: 2125-AC78

### 2359. + TRANSPORTATION OF HAZARDOUS MATERIALS; HIGHWAY ROUTING

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1801; 49 USC 1804; 49 USC 1811; PL 101-615

**CFR Citation:** 49 CFR 397

**Legal Deadline:** Final, Statutory, May 16, 1992.

**Abstract:** Currently, except for certain radioactive materials, DOT has not promulgated uniform, national standards for the highway routing of hazardous materials. The proposal would establish such standards and provide guidance to States and localities to minimize the promulgation of State and local routing requirements that are inconsistent with the Hazardous Materials Transportation Act. This rulemaking is significant because of the safety implications and possible federalism implications. The Hazardous Materials Uniform Safety Act of 1990 amended the HMTA to require the Secretary to issue Federal standards for highway routing.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/07/88	53 FR 11618
ANPRM	10/05/88	53 FR 39114
Comment Period Extended to 12/13/88		
ANPRM	10/11/88	
Comment Period End		
NPRM	08/31/92	57 FR 39522
NPRM Comment Period End	10/30/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Analysis:** Regulatory Evaluation 08/31/92 (57 FR 39522)

**Additional information:** Docket No. HM-203. Public hearings were held on June 14, 1988, in Sacramento, California, and on September 15, 1988, in Washington, DC. Further public hearing schedules were published 08/31/92 (57 FR 39533). This rulemaking has been transferred to the Federal Highway

Administration from the Research and Special Programs Administration. It was reported in the April 1991 Agenda under RIN 2137-AB42.

**Agency Contact:** Jerry Emerson, Chief, Traffic Control Programs Team, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2218

RIN: 2125-AC80

### 2360. + QUALIFICATIONS OF DRIVERS; CONTROLLED SUBSTANCES TESTING, RECORDKEEPING, AND REPORTING REQUIREMENTS

**Significance:** Agency Priority

**Legal Authority:** 49 USC app 2505; 49 USC 504; 49 USC 3102

**CFR Citation:** 49 CFR 391

**Legal Deadline:** None

**Abstract:** The FHWA is proposing to amend the recordkeeping and reporting requirements of its controlled substances testing regulation. This notice is intended to implement a DOT-wide plan to measure the effectiveness of drug testing programs of the various DOT operating administrations. The NPRM would require motor carriers to keep certain information and to report that information to the FHWA upon request. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/00/93

**Agency Contact:** Thomas P. Kozlowski, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AC81

### 2361. + CONTROLLED SUBSTANCES AND ALCOHOL TESTING

**Significance:** Agency Priority

**Legal Authority:** 49 USC 2505; 49 USC 3102; 49 USC app 2717

**CFR Citation:** 49 CFR 382

**Legal Deadline:** Final, Statutory, October 28, 1992.

**Abstract:** This action would create a new part 382 involving controlled substances and alcohol testing. The new part would conform to the requirements of the Omnibus Transportation Employees Testing Act of 1991 by encompassing intrastate and interstate commercial operators, and governmental employees, for uniform treatment. Any resultant regulation, however, would not preempt provisions of State criminal law. This action is significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Thomas P. Kozlowski, Chief, Standards Development Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AC85

### 2362. + SPEED LIMIT COMPLIANCE AND ENFORCEMENT REQUIREMENTS

**Significance:** Agency Priority

**Legal Authority:** PL 102-240, sec 1029; Intermodal Surface Transportation Efficiency Act of 1991; (ISTEA)

**CFR Citation:** 23 CFR 659

**Legal Deadline:** NPRM, Statutory, December 18, 1992. Final, Statutory, February 18, 1993.

**Abstract:** As a result of section 1029 of ISTEA, speed compliance and enforcement data will have to be collected on highways with speed limits up to 65 mph, in addition to data currently being collected on 55 mph highways. New regulations will be issued that ensure uniform monitoring programs by States, so that reliable data is submitted for use by the Secretary in determining compliance by each State with the speed limits. A



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compliance formula must be included, which takes into account the amount by which speed limits are exceeded, and differentiates between types of road on which the violations occur. Enforcement efforts and accident information must be considered in development of the compliance formula. This action is considered significant because of substantial public, State, and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State, Federal

**Analysis:** Regulatory Evaluation  
12/00/92

**Additional Information:** The NPRM and Final Rule will be a joint FHWA/NHTSA issuance.

**Agency Contact:** Jerry Emerson, Chief, Traffic Control Programs Team, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2218

**RIN:** 2125-AC87

**2363. + STATEWIDE PLANNING**

**Significance:** Agency Priority

**Legal Authority:** PL 102-240, sec 1025

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** Section 1025 of the the Intermodal Surface Transportation Efficiency Act of 1991 amended 23 USC 135 to establish a requirement for statewide planning to be coordinated with metropolitan planning. Implementation of this mandate is considered significant due to substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State, Federal

**Analysis:** Regulatory Evaluation  
10/00/92

**Agency Contact:** Thomas Weeks, Chief, Planning and Programming,

Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5002

**RIN:** 2125-AC94

**2364. + METROPOLITAN PLANNING**

**Significance:** Agency Priority

**Legal Authority:** 23 USC 134; PL 102-240, sec 1024

**CFR Citation:** 23 CFR 450

**Legal Deadline:** None

**Abstract:** Section 1024 of the Intermodal Surface Transportation Efficiency Act of 1991 amends 23 USC 134 to strengthen the planning process and the role of metropolitan planning organizations in transportation decisionmaking. FHWA and FTA will coordinate revisions to 23 CFR 450 and 49 CFR 613 to implement the revisions of sections 1024 and 3012 (Federal Highway and Federal Transit metropolitan planning sections, respectively). This action is considered significant due to substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State, Federal

**Analysis:** Regulatory Evaluation  
10/00/92

**Agency Contact:** Dean Smeins, Chief, Planning Operations Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9227

**RIN:** 2125-AC95

**2365. ● + MANAGEMENT SYSTEMS**

**Significance:** Agency Priority

**Legal Authority:** 23 USC 303; 23 USC 315; 49 USC app 1607

**CFR Citation:** 23 CFR 1 et seq

**Legal Deadline:** Final, Statutory, December 18, 1992.

**Abstract:** 23 U.S.C. 303 requires the Secretary of Transportation to issue regulations for State development, establishment, and implementation of systems for managing highway

pavement of Federal-aid highways; bridges on and off Federal-aid highways; highway safety; traffic congestion; public transportation facilities and equipment; and intermodal transportation facilities and systems. The Secretary also must issue guidelines and requirements for the State development, establishment, and implementation of a traffic monitoring system for highways and public transportation facilities and equipment. States must be implementing each management system in Federal fiscal year 1995, or the Secretary may withhold up to 10% of funds apportioned under Title 23, U.S.C., or under the Federal Transit Act for any fiscal year beginning after September 30, 1995. The primary purpose of these systems is to improve the efficiency of, and protect the investment in, existing and future transportation infrastructure. The systems will provide additional information needed to make informed decisions for optimum utilization of limited resources. (continued)

**Timetable:**

Action	Date	FR Cite
ANPRM	06/03/92	57 FR 23460
ANPRM	08/03/92	
Comment		
Period End		
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State, Federal

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** The economic impact of the regulations is not known at this time. The regulations will be issued jointly with the Federal Transit Administration. This regulation is considered significant because of substantial public interest.

**Agency Contact:** Tony Solury, Community Planner, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC, 202 366-5003

**RIN:** 2125-AC97

**2366. ● + HOURS OF SERVICE OF DRIVERS; ON-DUTY TIME**

**Significance:** Agency Priority

**Legal Authority:** 49 USC App. 2505; 49 USC 3102



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**CFR Citation:** 49 CFR 392; 49 CFR 395; 49 CFR 1.48

**Legal Deadline:** None

**Abstract:** The Federal Highway Administration (FHWA) proposes to amend a portion of the hours of service regulations for commercial motor vehicle drivers. This rulemaking, if promulgated, would permit the on-duty-time limitation of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days to begin anew after the driver had an off-duty "recovery period" of 24 consecutive hours or more. Through this action, the FHWA intends to provide the opportunity for improved efficiency in commercial motor vehicle operations consistent with highway safety. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/19/92	57 FR 37504
Comment Period Extended to 11/04/92	10/02/92	57 FR 44158
NPRM Comment Period End	10/05/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/19/92 (57 FR 37504)

**Agency Contact:** James E. Scapellato, Director, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Room 3404, HCS-1, Washington, DC, 202 366-1790

**RIN:** 2125-AD04

**2367. CONSTRUCTION CONTRACT EQUAL OPPORTUNITY COMPLIANCE PROCEDURES**

**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 proposed rulemaking would revise the FHWA regulation on construction contract equal opportunity compliance procedures in order to clarify changes in policy and overall program implementation. Additionally,

the proposal has been written with the consideration that the FHWA no longer has equal employment opportunity (EEO) contract compliance responsibilities under Executive Order (E.O.) 11246, but clearly has the responsibility to ensure that federally assisted highway contractors are providing equal opportunity under 23 U.S.C. 140. The proposed regulation should provide greater uniformity in the equal opportunity contract compliance program and should provide greater flexibility in overall program administration.

**Timetable:**

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	
SNPRM	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation 11/22/82 (47 FR 52470)

**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 230. Therefore, the related entry (RIN 2125-AB27) has been consolidated into this proceeding.

**Agency Contact:** Linda Brown, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1593

**RIN:** 2125-AB15

**2368. ACQUISITION OF REAL PROPERTY FOR RIGHTS-OF-WAY**

**Significance:** Nonsignificant

**Legal Authority:** 23 USC 315; PL 100-17, Sec 126; PL 100-17, Sec 146; 42 USC 4601 et seq

**CFR Citation:** 23 CFR 172; 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 720; 23 CFR 740; 23 CFR 620; 23 CFR 635; 23 CFR 645

**Legal Deadline:** None

**Abstract:** The Federal Highway Administration (FHWA) is proposing to revise and consolidate several right-of-way regulations to improve the organization of the subject matter and update the content. This action will also implement sections 126 and 146

(airspace and donations) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation

**Additional Information:** Two related rulemaking actions are: (1) a proposed rule entitled "Right-of-Way" which appeared in a prior Agenda under RIN 2125-AB58 and (2) a proposed rule entitled "Property Management; Disposals and Airspace" which appeared in a prior Agenda under RIN 2125-AB60. Those entries have been consolidated into this rulemaking.

**Agency Contact:** Roger Kezar, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2021

**RIN:** 2125-AC17

**2369. TRUCK LENGTH AND WIDTH EXCLUSIVE DEVICES**

**Significance:** Nonsignificant

**Legal Authority:** 23 USC 315; PL 97-424, Sec 411; PL 97-424, Sec 416

**CFR Citation:** 23 CFR 658

**Legal Deadline:** None

**Abstract:** The FHWA requested public comment on how, under section 411(h) and 416(b) of the Surface Transportation Act of 1982 (STAA) (PL 97-424, 96 Stat. 2097), the Secretary may determine which safety or efficiency-enhancing devices are to be excluded when measuring the length and width of vehicles for compliance with federally mandated dimensions. The present system of employing rulemaking proceedings is too time-consuming and cumbersome to meet the needs of industry and is needlessly burdensome for FHWA. Therefore, a new approach will be proposed.



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Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	12/26/89	54 FR 52951
ANPRM	03/21/90	55 FR 10468
Comment Period Extended to 06/01/90		
ANPRM	03/26/90	
Comment Period End		
ANPRM Docket	06/22/90	55 FR 25673
Reopened; Comment Period Extended to 08/21/90		
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** State**Analysis:** Regulatory Evaluation  
10/00/92**Agency Contact:** Max Pieper,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-4029**RIN:** 2125-AC30**2370. STATE COMPLIANCE WITH CDL  
PROGRAM REQUIREMENTS****Significance:** Nonsignificant**Legal Authority:** PL 99-570; 49 USC  
3102; 49 USC app 2505**CFR Citation:** 49 CFR 383**Legal Deadline:** None**Abstract:** Section 12009 of the  
Commercial Motor Vehicle Safety Act  
of 1986 establishes 21 requirements  
under the Commercial Driver's License  
(CDL) program which States must meet  
before October 1, 1993 to avoid losing a  
portion of their Federal-aid highway  
funds. This regulation will delineate the  
criteria and standards which the  
FHWA will use in determining whether  
a State is substantially in compliance  
with the 21 requirements. In addition,  
the rule will include a procedure  
governing initial and subsequent  
reviews of State compliance with these  
requirements.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** State**Analysis:** Regulatory Evaluation  
10/00/92**Agency Contact:** Neil E. Moyer,  
Transportation Specialist, Department  
of Transportation, Federal Highway  
Administration, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-4001**RIN:** 2125-AC53**2371. CERTIFICATION OF SIZE AND  
WEIGHT ENFORCEMENT****Significance:** Nonsignificant**Legal Authority:** 23 USC 127; 23 USC  
141; 23 USC 315**CFR Citation:** 23 CFR 657**Legal Deadline:** None**Abstract:** This rulemaking action  
proposes to amend existing regulations  
contained in 23 CFR 657 by changing  
the requirements for State enforcement  
plans and certifications as well as the  
FHWA evaluation of State operations  
under the enforcement plans. The  
revised requirements will rely on  
available truck weight data and  
enforcement records. The revisions will  
result in evaluations and certifications  
being based more closely on the  
approved plans.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None**Government Levels Affected:** State**Analysis:** Regulatory Evaluation  
03/00/93**Agency Contact:** Dennis Miller,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-4026**RIN:** 2125-AC60**2372. QUALIFICATION OF DRIVERS;  
MEDICAL EXAMINATION FORM****Significance:** Nonsignificant**Legal Authority:** 49 USC 2505; 49 USC  
3102**CFR Citation:** 49 CFR 391**Legal Deadline:** None**Abstract:** This rulemaking action will  
consider revisions to the requirements  
contained in 49 CFR 391.43. The FHWA  
is reviewing the medical examination  
form in order to determine if revisionsare needed so that a more  
comprehensive medical examination  
can be performed by the examining  
physician.**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** State**Agency Contact:** Thomas P. Keziowski,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-2981**RIN:** 2125-AC63**2373. TRUCK SIZE & WEIGHT; MAXI-  
CUBE VEHICLES****Significance:** Nonsignificant**Legal Authority:** PL 101-516, Sec 411  
(d); 49 USC app 2311(d)**CFR Citation:** 23 CFR 658**Legal Deadline:** None**Abstract:** This action would adopt rules  
to identify maxi-cube vehicles and  
regulate their length.**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:**  
Undetermined**Analysis:** Regulatory Evaluation**Additional Information:** A related  
rulemaking titled Weight and Length  
Limitations - Longer Combination  
Vehicles is located under RIN 2125-  
AC86, FHWA Docket No. 92-15.**Agency Contact:** Max Pieper,  
Transportation Specialist, Office of  
Motor Carriers, Department of  
Transportation, Federal Highway  
Administration, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-4029**RIN:** 2125-AC65



DOT—FHWA

Proposed Rule Stage

**2374. NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES; WORK ZONE TRAFFIC CONTROL STANDARDS REVISION; REVISED FORMAT**

**Significance:** Nonsignificant  
**Legal Authority:** 23 USC 109(d); 23 USC 315  
**CFR Citation:** 23 CFR 655  
**Legal Deadline:** None

**Abstract:** Based on a consultant's findings, public comments, and the agency's knowledge of work zone traffic control devices standards and applications, FHWA has proposed amendments for reformatting the Manual of Uniform Traffic Control Devices.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/10/92	57 FR 1134
ANPRM	07/30/92	
Comment		
Period End		

**Next Action:** Undetermined  
**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** James E. Weaver, Office of Highway Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2189  
**RIN:** 2125-AC83

**2375. DESIGN STANDARDS FOR HIGHWAYS; REQUIREMENTS FOR ROADSIDE BARRIERS AND SAFETY APPURTENANCES**

**Significance:** Nonsignificant  
**Legal Authority:** PL 102-240, sec 1073  
**CFR Citation:** 23 CFR 625  
**Legal Deadline:** Other, Statutory, January 17, 1992.  
 Section 1073 requires that this rulemaking commence within 30 days of enactment of the ISTEA.

**Abstract:** The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requires the Secretary of Transportation to initiate a rulemaking proceeding to revise the guidelines and establish standards for the installation of roadside barriers and other safety appurtenances, including longitudinal barriers, end terminals, and crash

cushions, that provide an enhanced level of crashworthy performance to accommodate vans, minivans, pickup trucks, and 4-wheel-drive vehicles.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/11/92	57 FR 4941
ANPRM	04/17/92	
Comment		
Period End		
NPRM	10/00/92	

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined  
**Analysis:** Regulatory Evaluation 10/00/92  
**Agency Contact:** James H. Hatton Jr., Highway Engineer, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1329  
**RIN:** 2125-AC84

**2376. WEIGHT AND LENGTH LIMITATIONS—LONGER COMBINATION VEHICLES**

**Significance:** Nonsignificant  
**Legal Authority:** PL 102-240, sec 1023; PL 102-240, sec 4006  
**CFR Citation:** 23 CFR 658  
**Legal Deadline:** Final, Statutory, June 18, 1992.

**Abstract:** The FHWA will list the States where LCVs and extra-length multi-unit combination vehicles could operate as of June 1, 1991, and the applicable operational conditions, routes, and legal citations. Future operation of these vehicles is limited to the States, routes, and conditions in effect as of June 1, 1991. The Federal Highway Administration will also 1) establish criteria for States to make minor adjustments to the list of States' weight and length limitations and requirements, 2) define loads which cannot be easily dismantled or divided, and 3) make other regulatory changes required by the Intermodal Surface Transportation Efficiency Act of 1991, PL 102-240. In view of comments received, an SNPRM will be issued.

**Timetable:**

Action	Date	FR Cite
NPRM	03/20/92	57 FR 9900
NPRM Comment	05/04/92	
Period End		

Action	Date	FR Cite
SNPRM	10/00/92	
<b>Small Entities Affected:</b> Undetermined		
<b>Government Levels Affected:</b> Local, State, Federal		
<b>Analysis:</b> Regulatory Evaluation 03/20/92 (57 FR 9900)		
<b>Agency Contact:</b> Doug McKelvey, Chief of Analysis, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1051		
<b>RIN:</b> 2125-AC86		

**2377. ADMINISTRATION OF NEGOTIATED CONTRACTS**

**Significance:** Nonsignificant  
**Legal Authority:** PL 102-240, sec 1060  
**CFR Citation:** 23 CFR 172  
**Legal Deadline:** Final, Statutory, June 15, 1992.

**Abstract:** Regulation will establish a new program under which the Secretary will award grants to States in order to encourage contracting with private firms for engineering and design services on the States' Federal-aid highway program.

**Timetable:**

Action	Date	FR Cite

**Next Action:** Undetermined  
**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined  
**Analysis:** Regulatory Evaluation  
**Agency Contact:** Curtis L. Shufflebarger, Chief, Interstate and Program Support Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0404  
**RIN:** 2125-AC88

**2378. TRAINING OF ENTRY-LEVEL DRIVERS OF COMMERCIAL MOTOR VEHICLES**

**Significance:** Nonsignificant  
**Legal Authority:** PL 102-240, sec 4007(a)(2); Intermodal Surface Transportation Efficiency Act (ISTEA)  
**CFR Citation:** 49 CFR 383



DOT—FHWA

Proposed Rule Stage

**Legal Deadline:** NPRM, Statutory, December 18, 1992. Final, Statutory, December 18, 1993. Other, Statutory, January 18, 1994.

**Abstract:** The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Public Law 102-240) mandates that the FHWA report to Congress by December 18, 1992, on the effectiveness of private sector efforts to ensure adequate training of entry-level drivers of CMVs. The Act also directs the FHWA to initiate a rulemaking by December 18, 1992 on the need to require training of all entry-level drivers of CMVs. This rulemaking must be completed by December 18, 1993. If the FHWA determines as a result of the rulemaking proceedings that it is not in the public interest to issue a rule that requires training for all entry-level drivers, the FHWA must submit a report to Congress by January 18, 1994, on the reason for the decision, together with the results of a cost-benefit analysis conducted as part of the rulemaking proceedings.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 12/00/92

**Agency Contact:** Jill Hochman, Chief, Driver Standards Division, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

**RIN:** 2125-AC91

**2379. LONGER COMBINATION VEHICLES—DRIVER TRAINING**

**Significance:** Nonsignificant

**Legal Authority:** PL 102-240, sec 4007(b)(2); Intermodal Surface Transportation Efficiency Act (ISTEA)

**CFR Citation:** 49 CFR 383

**Legal Deadline:** Final, Statutory, December 18, 1993.

**Abstract:** This action would consider the need to establish minimum training requirements for operators of longer combination vehicles. The training would include certification of an operator's proficiency by a certified inspector.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Jill Hochman, Chief, Driver Standards Division, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

**RIN:** 2125-AC92

**2380. VIOLATIONS OF OUT-OF-SERVICE ORDERS—CDL DISQUALIFICATIONS**

**Significance:** Nonsignificant

**Legal Authority:** PL 102-240, sec 4009(c); Intermodal Surface Transportation Efficiency Act (ISTEA)

**CFR Citation:** 49 CFR 383; 49 CFR 391.15

**Legal Deadline:** Final, Statutory, December 18, 1992.

**Abstract:** The action would establish the sanctions and penalties for drivers violating out-of-service orders. Drivers convicted of violating an out-of-service order for the first time would be disqualified for at least 90 days; for a second violation, a more severe sanction could be imposed. An employer who knowingly permits or requires a driver to violate an out-of-service order would be subject to a civil penalty.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Jill Hochman, Chief, Driver Standards Division, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

**RIN:** 2125-AC93

**2381. ADMINISTRATION OF ENGINEERING AND DESIGN-RELATED SERVICE CONTRACTS; PRIVATE SECTOR INVOLVEMENT PROGRAM**

**Significance:** Nonsignificant

**Legal Authority:** PL 102-240, sec 1060

**CFR Citation:** 23 CFR 172

**Legal Deadline:** Final, Statutory, June 18, 1992.

**Abstract:** A revision to 23 CFR Part 172 shall establish a new private sector involvement program, under which the FHWA will make funds available when appropriated to States, to encourage contracting with private sector consulting firms for engineering and design services on Federal-aid highway projects.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Donald J. Marttila, Acting Chief, Interstate & Program Support Branch, Office of Engineering, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4637

**RIN:** 2125-AD03



## DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

## Federal Highway Administration (FHWA)

**2382. + PRIVATE MOTOR CARRIER OF PASSENGERS****Significance:** Regulatory Program**Legal Authority:** 49 USC 104; 49 USC 3102; 49 USC app 2503; 49 USC app 2505**CFR Citation:** 49 CFR 383; 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 393; 49 CFR 394; 49 CFR 395; 49 CFR 396**Legal Deadline:** None

**Abstract:** The FHWA is amending the Federal Motor Carrier Safety Regulations (FMCSRs) to make private motor carriers of passengers involved in interstate commerce subject to certain minimum safety requirements. 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	03/11/85	50 FR 2998
Comment Period End		
NPRM	02/17/89	54 FR 7362
NPRM Comment Period End	06/19/89	
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 02/17/89 (54 FR 7362)

**Additional Information:** This action was formerly entitled Minimum Requirements for Private Motor Carriers of Passengers and Drivers of Private Motor Vehicles of Passengers.

**Agency Contact:** Dan Hartman, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AB62**2333. + SAFETY FITNESS PROCEDURES; SAFETY RATINGS****Significance:** Agency Priority**Legal Authority:** 49 USC app 2512; 49 USC 104; 49 USC 504; 49 USC 521(b)(5)(A); 49 USC 3102; 49 USC app 1814; PL 101-500**CFR Citation:** 49 CFR 385**Legal Deadline:** Other, Statutory, January 1, 1991.

Statutory prohibition became effective 01/01/91

**Abstract:** This action will amend the Federal Motor Carrier Safety Regulations to implement provisions of the Motor Carrier Safety Act of 1990 (section 15 of PL 101-500). This enactment prohibits a motor carrier that receives an "unsatisfactory" safety rating from operating commercial motor vehicles to transport hazardous materials in quantities for which vehicle placarding is required or to transport more than 15 passengers, including the driver. The prohibition is effective 45 days after receipt of an unsatisfactory rating and remains in effect until a satisfactory rating is secured. This action is considered significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/16/91	56 FR 40801
Final Action	10/00/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 08/16/91 (56 FR 40801)

**Additional Information:** The interim final rule was effective upon publication 08/16/91.

**Agency Contact:** Neill L. Thomas, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AC71**2384. + RADAR DETECTORS IN COMMERCIAL MOTOR VEHICLES****Significance:** Agency Priority**Legal Authority:** 49 USC app 2503; 49 USC app 2505; 49 USC 3102; 49 USC 3104; PL 102-143, sec. 342**CFR Citation:** 49 CFR 390.5; 49 CFR 392.71; 49 CFR 1.48**Legal Deadline:** NPRM, Statutory, January 15, 1992.

**Abstract:** This action would ban radar detectors from all commercial vehicles as defined in the Federal Motor Carrier Safety Regulations in 49 CFR 390. The proposal responds to the Congressional mandate in section 342 of PL 102-143 and to a petition filed jointly on July 18, 1990, by the Insurance Institute for

Highway Safety and seven other organizations. FHWA is considering whether such a ban would further highway safety by enhancing commercial motor vehicle driver compliance with speed laws. This action is considered significant because of anticipated substantial public interest and controversy involving the use of radar detectors.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/92	57 FR 2885
NPRM Comment Period End	05/26/92	

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 01/24/92 (57 FR 2885)

**Additional Information:** The NPRM of 01/24/92 inadvertently used RIN 2125-AC69; the correct RIN is AC79.

**Agency Contact:** James Scapellato, Director, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4009

**RIN:** 2125-AC79**2385. + MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES****Significance:** Agency Priority**Legal Authority:** PL 102-240, sec 1077; Intermodal Surface Transportation Efficiency Act**CFR Citation:** 23 CFR 655**Legal Deadline:** Final, Statutory, March 17, 1992.

**Abstract:** This action would revise the Manual of Uniform Traffic Control Devices to authorize State and local governments, at their discretion, to install stop or yield signs at any rail-highway grade crossing not having automatic traffic control devices but with two or more train crossings per day. This action is considered significant because of substantial interest by the public, Congress, and State and local governments.



DOT—FHWA

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	
<b>Small Entities Affected:</b> None		
<b>Government Levels Affected:</b> Local, State, Federal		
<b>Analysis:</b> Regulatory Evaluation 10/00/92		
<b>Additional Information:</b> Pursuant to 5 U.S.C. 553(b), requirements for notice and public comment are not applicable since this action involves a matter of agency practice and procedure.		
<b>Agency Contact:</b> R. Umbs, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2177		
RIN: 2125-AC89		

**2386. ● + UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS**

**Significance:** Agency Priority  
**Legal Authority:** 42 USC 4601 et seq; 49 CFR 1.48(cc)  
**CFR Citation:** 49 CFR 24.2(g)(2)(x); 49 CFR 24.2(t); 49 CFR 304(a); 49 CFR 304(a)(3); 49 CFR 304(a)(8); 49 CFR 304(a)(10); 49 CFR 304(a)(13); 49 CFR 304(b)(3); 49 CFR 304(b)(4); 49 CFR 602; 49 CFR 603(d)  
**Legal Deadline:** None  
**Abstract:** In response to the President's memorandum of January 28, 1992, "Reducing the Burden of Government Regulation," the FHWA, as lead agency for implementing the Uniform Act, proposes several amendments to the governmentwide rule implementing the Uniform Act. The amendments would enhance the relocation benefits available to displaced businesses and replace the language in Subpart G, relating to the application for certification, with a simplified provision. Also a proposed technical amendment would conform the language of one paragraph to the two statutes cited therein. The monetary relocation assistance benefits provided in the regulation are primarily established by the Uniform Act. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/92	57 FR 33164
NPRM Comment	09/10/92	
Period End		
Next Action Undetermined		
<b>Small Entities Affected:</b> None		
<b>Government Levels Affected:</b> Local, State, Federal		
<b>Analysis:</b> Regulatory Evaluation 07/27/92 (57 FR 33164)		
<b>Agency Contact:</b> Roger C. Kezar, Chief, Policy Development Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2021		
RIN: 2125-AD02		

**2387. QUALIFICATION OF DRIVERS; DIABETES**

**Significance:** Nonsignificant  
**Legal Authority:** 49 USC 3102; 49 USC app 2505; 23 USC 315  
**CFR Citation:** 49 CFR 391.41(b)(3)  
**Legal Deadline:** None  
**Abstract:** This rulemaking action responds to a petition filed by the American Diabetes Association (ADA) and others. The current diabetic rule prohibits insulin-using diabetics from driving in interstate or foreign commerce. The ADA has petitioned to change the regulation to provide for exemptions. The purpose of this action is to consider the proposed exemption program. An NPRM requested comments on the development of medical evaluation procedures and risk assessment procedures for insulin-dependent diabetics.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/25/87	52 FR 45204
ANPRM	12/28/87	53 FR 45204
Comment		
Period End		
ANPRM	01/04/88	53 FR 42
Comment		
Period		
Extended to		
02/01/88		
NPRM	10/05/90	55 FR 41028
NPRM Comment	11/07/90	55 FR 46080
Period		
Extended to		
01/03/91		

**Action Date FR Cite**

NPRM Comment	12/04/90	
Period End		
Final Action	10/00/92	
<b>Small Entities Affected:</b> None		
<b>Government Levels Affected:</b> None		
<b>Analysis:</b> Regulatory Evaluation 10/05/90 (55 FR 41028)		
<b>Agency Contact:</b> Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981		
RIN: 2125-AB91		

**2388. PUBLIC AVAILABILITY OF INFORMATION; FREEDOM OF INFORMATION ACT REGULATIONS; TECHNICAL AMENDMENTS**

**Significance:** Nonsignificant  
**Legal Authority:** 5 USC 552; 31 USC 9701; 49 USC 322  
**CFR Citation:** 49 CFR 7  
**Legal Deadline:** None  
**Abstract:** This action amends appendix D of the final rule published on 8/11/88 at 53 FR 30265 regarding implementation of the Freedom of Information Act by FHWA. The technical amendments are necessary in order to revise the listing of publicly available materials, in order to correct a typographical error, to remove unnecessary explanatory language, to add a paragraph on determinations to disclose records and grant or deny requests for fee waivers or reductions, and to conform paragraph designations.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	
<b>Small Entities Affected:</b> None		
<b>Government Levels Affected:</b> None		
<b>Analysis:</b> Regulatory Evaluation 10/00/92		
<b>Additional Information:</b> Pursuant to 5 USC 553(b), requirements for notice and public comment are not applicable since this action involves a matter of agency practice and procedure.		
<b>Agency Contact:</b> John H. Schnackenberg, Department of Transportation, Federal Highway		



DOT--FHWA

Final Rule Stage

Administration, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-0534

RIN: 2125-AC20

### 2389. DESIGN STANDARDS FOR HIGHWAYS; AASHTO PUBLICATION; GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

**Abstract:** The American Association of State Highway Transportation Officials (AASHTO) is revising and updating the publication entitled "Policy on Geometric Design of Highways and Streets, AASHTO 1984." It is anticipated that this action will, after receipt of public comments on the proposed action, designate, in whole or in part, the revised AASHTO publication as being acceptable to the FHWA for application in the geometric design of highways and remove the out-of-date version from the acceptable list.

**Timetable:**

Action	Date	FR Cite
NPRM	12/03/90	55 FR 49903
NPRM Comment Period End	04/02/91	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/03/90 (55 FR 49903)

**Additional Information:** The initial appearance of this entry in the agenda (4/89) made reference to another AASHTO publication entitled "A Policy on Design--Interstate System." This publication is being addressed in a separate rulemaking action under RIN 2125-AC34 entitled "Design Standards for Highways; Interstate System" and is located under the final action section.

**Agency Contact:** Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1327

RIN: 2125-AC22

### 2390. DESIGN STANDARDS FOR HIGHWAYS; INTERSTATE SYSTEM

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

**Abstract:** The Federal Highway Administration (FHWA) requested comments on a proposed amendment to the design standards which apply to interstate highway construction and reconstruction projects eligible to receive funding under the Federal-aid highway program. A revised publication approved by the American Association of State Highway and Transportation Officials (AASHTO) entitled "A Policy on Design Standards--Interstate System, AASHTO 1988" would be substituted for the previous version of these standards last revised June 20, 1967. If the Federal Highway Administration (FHWA) adopts the 1988 document, the new AASHTO publication would constitute the FHWA's policy on geometric design for all federally assisted construction and reconstruction projects on the interstate highway system.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/89	54 FR 30095
NPRM Comment Period End	09/18/89	
NPRM Comment Period Extended to	09/18/89	54 FR 38387
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 07/18/89 (54 FR 30095)

**Agency Contact:** Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1327

RIN: 2125-AC34

### 2391. INSPECTION, REPAIR AND MAINTENANCE; PERIODIC INSPECTIONS

Significance: Nonsignificant

Legal Authority: 49 USC app 2509; 49 USC 3102

CFR Citation: 49 CFR 396

Legal Deadline: None

**Abstract:** This document amends 49 CFR part 396, Inspection, Repair and Maintenance, of the Federal Motor Carrier Safety Regulations (FMCSRs). The Federal Highway Administration (FHWA) delayed the compliance date to July 1, 1990, when motor carriers are required to implement the periodic inspection requirements contained in the final rule, Inspection, Repair and Maintenance, published on December 7, 1988, (53 FR 49402). On December 12, 1988, the FHWA clarified that provisions of the final rule were to be complied with by December 7, 1989 (53 FR 49968) except as provided for in part 396. This document also included recent interpretations, made minor technical amendments to clarify the rule and eliminated certain items from the inspection report. These interpretations were made in response to many requests the FHWA has received to clarify the intent of the final rule. The elimination of some of the items that were to be included in the inspection report was made to simplify the recordkeeping requirements. The final rule (delay in compliance date) became effective (cont)

**Timetable:**

Action	Date	FR Cite
Notice; Request for Comments	03/16/89	54 FR 11020
Final Rule; Delay in Compliance Date	12/08/89	54 FR 50722
Notice: State Inspection Programs	12/08/89	54 FR 50726
Petition: Comments Invited Through	05/02/90	55 FR 18355
Final Action	10/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/07/88 (53 FR 49402)

**Additional Information:** ABSTRACT CONT: on December 7, 1989. The compliance date for the inspection requirements was 07/01/90. Due to the complexity of the procedures contained in the final rule, FHWA will conduct an ongoing review of the procedures to determine if further revisions are warranted.



DOT—FHWA

Final Rule Stage

**Agency Contact:** Larry W. Minor,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-2981

**RIN:** 2125-AC47

### 2392. NOTIFICATION AND REPORTING OF ACCIDENTS

**Significance:** Nonsignificant

**Legal Authority:** 49 USC app 2503; 49  
USC app 2505; 49 USC 3102; 49 USC  
3104; 49 CFR 1.48

**CFR Citation:** 49 CFR 390; 49 CFR 394

**Legal Deadline:** None

**Abstract:** The FHWA would eliminate the requirement that motor carriers submit accident reports to the FHWA and notify the FHWA of fatal accidents as currently required by 49 CFR 394. Instead, the FHWA, in cooperation with the States, would implement a new accident reporting system based on State-required police reports, which will be electronically transmitted from the States to the FHWA through the SAFETYNET accident reporting system. The FHWA would adopt the National Governors' Association's (NGA) recommended guidelines for collection of accident data in an effort to increase the levels of accuracy, consistency, and uniformity in that data. Motor carriers would be required to keep certain information on file regarding accidents, and make that information available to an authorized representative or special agent of the Federal Highway Administration upon request or inquiry.

**Timetable:**

Action	Date	FR Cite
NPRM	10/15/90	55 FR 41705
NPRM Comment Period End	12/14/90	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Analysis:** Regulatory Evaluation  
10/15/90 (55 FR 41705)

**Agency Contact:** Thomas P. Kozlowski,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-2981

**RIN:** 2125-AC48

### 2393. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; FRONT WHEEL BRAKES ON MEXICAN COMMERCIAL MOTOR VEHICLES

**Significance:** Nonsignificant

**Legal Authority:** 49 USC app 2505; 49  
USC 3102

**CFR Citation:** 49 CFR 393

**Legal Deadline:** None

**Abstract:** By an Interim Final Rule published on 11/24/89, the FHWA amended 49 CFR 393, Parts and Accessories Necessary for Safe Operation, of the Federal Motor Carrier Safety Regulations (FMCSRs). The amendment allows Mexican motor carriers operating commercial motor vehicles in border commercial zones time to comply with the requirement that every commercial motor vehicle be equipped with brakes acting on all wheels. This action will facilitate the flow of trade and traffic between the two countries without interruption. The FHWA also removed the exception (paragraph (b)) from 393.1 which deferred application of part 393 to certain Mexican commercial motor vehicles until November 18, 1989. In this Interim Final Rule the FHWA requested comments on all issues addressed, and expects to proceed to final action.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/24/89	54 FR 48616
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation  
11/24/89 (54 FR 48616)

**Additional Information:** This rulemaking action originally appeared under RIN 2125-AC21. In order to clarify the many actions being taken in this area, the subject of this rulemaking action was assigned a separate RIN.

**Agency Contact:** Neill L. Thomas,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-2983

**RIN:** 2125-AC49

### 2394. COMMERCIAL DRIVER INSTRUCTION PERMITS

**Significance:** Nonsignificant

**Legal Authority:** PL 99-570; 49 USC  
3102; 49 USC app 2505; 49 CFR 1.48

**CFR Citation:** 49 CFR 383

**Legal Deadline:** None

**Abstract:** To reconcile the training needs of the motor carrier industry with the requirements of the commercial driver's license (CDL) program and the Commercial Motor Vehicle Safety Act of 1989, the FHWA is proposing additional minimum Federal standards for State-issued learner's permits that allow drivers to be trained in the operation of commercial motor vehicles (CMVs). Among the alternatives under consideration: Applicants for Commercial Driver Instruction Permits (CDIPs) might need to possess drivers' licenses and undergo record checks analogous to those now required for CDLs; CDIP transactions might be entered in the Commercial Driver's License Information System (CDLIS); and CDIP holders might be explicitly subject to the same disqualifications as CDL holders. Since driver training is nationwide in scope, the FHWA is proposing options that would allow a State to issue a CDIP to a driver trainee, or a 90-day CDL to a trained driver, without regard to his/her State of domicile.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/90	55 FR 34478
NPRM Comment Period End	10/22/90	
NPRM Comment Period Extended to	10/23/90	55 FR 42741
	11/30/90	

**Next Action:** Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Neil E. Moyer,  
Transportation Specialist, Department  
of Transportation, Federal Highway  
Administration, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-4001

**RIN:** 2125-AC54

### 2395. TRUCK SIZE AND WEIGHT; BEVERAGE SEMITRAILERS

**Significance:** Nonsignificant

**Legal Authority:** 23 USC 127; 23 USC  
315; 49 USC app 2311 to 2313; 49 USC  
app 2316



DOT—FHWA

Final Rule Stage

**CFR Citation:** 23 CFR 658**Legal Deadline:** None

**Abstract:** This rulemaking proposes to designate as specialized equipment van-type, drop-frame beverage semitrailers whose length, when equipped with an upper coupler plate that extends in front of the semitrailer, exceeds 28 feet, as illustrated in the appendix to the preamble. The resulting configuration would be subject to certain limitations in that the kingpin may not be mounted more than 28 feet from the rear of the semitrailer, exclusive of rear-mounted devices not measured in determining semitrailer length, and the upper coupler may not extend beyond the semitrailer's swing radius (measured from the center line of the kingpin to the front corner of the semitrailer). The rule would prevent States from imposing an overall length limit on such vehicles operating in semitrailer or double-trailer combinations and would guarantee tractor-semitrailer combinations of such vehicles the same access to points of loading and unloading as "pup" semitrailers in 23 CFR 658.19(a).

**Timetable:**

Action	Date	FR Cite
NPRM	06/25/90	55 FR 25850
NPRM Comment Period End	07/25/90	55 FR 25850

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** State**Analysis:** Regulatory Impact Analysis; Regulatory Evaluation 06/25/90 (55 FR 25850)**Agency Contact:** Kathy Busby, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2976**RIN:** 2125-AC57**2396. CENTRALIZATION OF FORMAL HEARING DOCKETS (FHWA)****Significance:** Nonsignificant**Legal Authority:** 49 USC 104(c)(2); 49 USC 501; 49 USC 1801; 49 USC 2501; 49 USC 2701; 49 USC 3101; 49 USC 10927**CFR Citation:** 49 CFR 386**Legal Deadline:** None**Abstract:** This final rule provides that documents and evidence in formal

hearing cases adjudicated within the Federal Highway Administration (FHWA) will be filed and maintained in the OST Documentary Services Division. The change is being made in order to streamline operations and to consolidate the documents used in formal hearing cases.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306**RIN:** 2125-AC59**2397. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; EMERGENCY RELIEF****Significance:** Nonsignificant**Legal Authority:** 49 USC app 2503; 49 USC app 2505; 49 USC 3102; 49 USC 3104**CFR Citation:** 49 CFR 390 to 399**Legal Deadline:** None

**Abstract:** This rulemaking combines RINs 2125-AC43, 2125-AC66 and 2125-AC67 into one rule. This action would amend the Federal Motor Carrier Safety Regulations (FMCSR's) to exempt from parts 390 through 399, motor carriers and drivers operating in interstate commerce that are providing direct assistance as a part of regional and local emergency relief efforts. Motor carriers and drivers would be exempt from parts 390 through 399 during certain emergencies declared by the President of the United States, governors of States, regional directors of the FHWA's Office of Motor Carriers, and federal, State, or local police officers who have declared emergencies or who have requested assistance as proposed. This rule would also remove the requirement for motor carriers to request authorization from FHWA prior to providing initial emergency relief.

**Timetable:**

Action	Date	FR Cite
NPRM	05/29/91	56 FR 24162
NPRM Comment Period End	07/15/91	
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 05/29/91 (56 FR 24162)**Agency Contact:** David Miller, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981**RIN:** 2125-AC67**2398. REIMBURSEMENT; TEMPORARY MATCHING FUND WAIVER****Significance:** Nonsignificant**Legal Authority:** PL 102-240, sec 1054**CFR Citation:** 23 CFR 140**Legal Deadline:** None

**Abstract:** This action would determine the procedures necessary for implementation of section 1054 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which provides for a temporary waiver of State matching funds. Section 1054 of the ISTEA allows a State to request an increase in the Federal share of the construction costs of a qualifying Federal-aid highway project, based on certification by a State's governor that sufficient funds are not available to pay costs of the non-Federal share. A State may receive up to 100 percent of Federal funds on a project for a period through September 30, 1993. Should the State fail to make timely reimbursement, 50 percent would be deducted per year from the State's apportionment funds until the deferred amount is paid.

**Timetable:**

Action	Date	FR Cite
NPRM	07/16/92	57 FR 31467
NPRM Comment Period End	08/31/92	
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 07/16/92 (57 FR 31467)



DOT—FHWA

Final Rule Stage

**Agency Contact:** Max Inman,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-2853

**RIN:** 2125-AC96

**2399. ● TRANSPORTATION OF  
HAZARDOUS MATERIALS;  
PREEMPTION DETERMINATION**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1801 et seq;  
PL 101-615

**CFR Citation:** 49 CFR 397; 49 CFR 1.48

**Legal Deadline:** Final, Statutory, May  
16, 1992.

**Abstract:** The FHWA is incorporating, without substantive change, the preemption determination and waiver of preemption procedures currently contained in the Research and Special Programs Administration's (RSPA) regulation 49 CFR 107.201-107.227 into the FHWA's regulation at 49 CFR 397, Subpart E. This final rule also incorporates, without substantive change, the routing requirements for radioactive materials currently contained in RSPA's regulation 49 CFR 177.825 into FHWA's regulation 49 CFR 397, Subpart D. This final rule is necessary due to a redelegation of authority of highway routing from RSPA to FHWA.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/24/92	57 FR 44129

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
09/24/92 (57 FR 44129)

**Additional Information:** Pursuant to 5 U.S.C. 553(b), requirements for notice and public comment are not applicable since this action involves a matter of agency practice and procedure.

**Agency Contact:** Jerry Emerson,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-2218

**RIN:** 2125-AD00

**2400. ● NATIONAL BRIDGE  
INSPECTION STANDARDS:  
FREQUENCY OF INSPECTION**

**Significance:** Nonsignificant

**Legal Authority:** 23 USC 144; 23 USC  
151

**CFR Citation:** 23 CFR 650.305

**Legal Deadline:** None

**Abstract:** This action would permit certain types or groups of bridges to be

inspected every 4 years rather than every 2 years, where past inspection reports and favorable experience and analysis justify increasing the inspection interval to a maximum of 4 years.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local,  
State, Federal

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** To be published as an interim final rule with request for comments. The rule becomes effective 30 days following publication in the Federal Register. Comment period ends 60 days following publication in the Federal Register. Pursuant to 5 USC 553(b), requirements for notice and public comment are not applicable since this action involves a matter of agency practice and procedure.

**Agency Contact:** Stanley Gordon,  
Chief, Bridge Division, Department of  
Transportation, Federal Highway  
Administration, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-4589

**RIN:** 2125-AD01

**DEPARTMENT OF TRANSPORTATION (DOT)  
Federal Highway Administration (FHWA)**

Completed Actions

**2401. ● + CONTROLLED  
SUBSTANCES TESTING; DELAY OF  
IMPLEMENTATION DATES**

**Significance:** Agency Priority

**Legal Authority:** 49 USC app 2505; 49  
USC 504

**CFR Citation:** 49 CFR 391; 49 CFR 1.48

**Legal Deadline:** None

**Abstract:** This final action further delayed the effective date of regulations governing drug testing of foreign-based employees of foreign-domiciled motor carriers until 02/02/95. This will allow negotiation with foreign governments to continue in an orderly and effective fashion. This action is considered significant because of public interest in the drug testing program and the international impact involved.

**Timetable:**

Action	Date	FR Cite
Final Action	07/14/92	57 FR 31277

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
07/14/92 (57 FR 31277)

**Additional Information:** The alternate contact is David Sett, Office of Chief Counsel, FHWA, (202) 366-1392.

**Agency Contact:** David Miller, Office  
of Motor Carrier Standards, Department  
of Transportation, Federal Highway  
Administration, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-2901

**RIN:** 2125-AC50

**2402. + COMMERCIAL MOTOR  
CARRIER SAFETY ASSISTANCE  
PROGRAM**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 3102; 49 USC  
app 2301 to 2304; 49 USC 2505; PL 101-  
500, sec 15(d); PL 102-240, sec 4002;  
Intermodal Surface Transportation  
Efficiency Act (ISTEA)

**CFR Citation:** 49 CFR 350

**Legal Deadline:** Final, Statutory, June  
18, 1992. Other, Statutory, September  
18, 1992.

**Abstract:** Section 4002 of the ISTEA required the Secretary to develop a new formula for the allocation of Federal funds to States under the Motor Carrier Safety Assistance Program (MCSAP) by June 1992. The section also required



## DOT—FHWA

## Completed Actions

final regulations by September 1992 specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws and regulations under MCSAP. This action was considered significant because of substantial public, congressional, and State and local government interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/16/92	57 FR 13572
NPRM Comment	06/15/92	
Period End		
Final Action	09/08/92	57 FR 40946
Final Action	10/08/92	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation 09/08/92 (57 FR 40946)

**Additional Information:** Rulemakings on the Safety Assistance Program under RINs 2125-AC11 and 2125-AC76 were consolidated into this rulemaking. See 57 FR 13572 (04/16/92).

**Agency Contact:** James McCauley, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0133

**RIN:** 2125-AC90

### 2403. ● + REMOVAL OF NONCONFORMING SIGNS

**Significance:** Agency Priority

**Legal Authority:** 23 USC 131; 23 USC 315; PL 102-240

**CFR Citation:** 23 CFR 750; 49 CFR 1.48

**Legal Deadline:** None

**Abstract:** As a result of recent enactment of the Intermodal Surface Transportation Efficiency Act (ISTEA), Federal funds became available to the States to, among other things, remove nonconforming signs to comply with the Highway Beautification Act of 1965. This action was to consider options to ensure effective State programs for compliance, and was considered significant because of substantial public interest. However, further amendment of ISTEA has subsequently given the States discretion as to whether to use highway funds for removal of nonconforming signs; therefore, the NPRM no longer reflected current law and was withdrawn.

**Timetable:**

Action	Date	FR Cite
NPRM	05/08/92	57 FR 19824
NPRM Correction	05/18/92	57 FR 21152
NPRM Comment	07/07/92	
Period End		
Withdrawn	07/16/92	57 FR 31470
Withdrawal	08/03/92	57 FR 34168
Notice		
Correction		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/08/92 (57 FR 19824)

**Additional Information:** Simultaneously with publication of the NPRM withdrawal notice, a related notice was published to rescind part of a prior notice pertaining to control of outdoor advertising. The prior notice was originally published 03/06/92 (57 FR 8167); the rescinding notice was published 07/16/92 (57 FR 31558).

**Agency Contact:** Roger Kezar, Chief, Policy Development Branch, Office of Right-of-Way, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AC99

### 2404. COMPATIBILITY OF STATE SAFETY REQUIREMENTS AFFECTING INTERSTATE COMMERCIAL MOTOR VEHICLES

**Significance:** Nonsignificant

**Legal Authority:** 49 USC app 2507; 49 USC app 2508

**CFR Citation:** 49 CFR 355

**Legal Deadline:** None

**Abstract:** Sections 207-209 of the Motor Carrier Safety Act of 1984 establish a process whereby any State law or regulation pertaining to commercial motor vehicle safety in interstate commerce will be reviewed and analyzed by the Commercial Motor Vehicle Safety Regulatory Review Panel (Safety Panel). The Safety Panel is to determine if such law or regulation has the same effect as, is less stringent than, or is additional to or more stringent than the Federal Motor Carrier Safety Regulations. The proposed regulations would provide guidelines for a continuous regulatory review of State laws and regulations; would establish deadlines for a State to achieve compatibility with the Federal Motor

Carrier Safety Regulations; and would establish procedures for the Federal Highway Administrator to determine whether or not a State law or regulation may be in effect and enforced with respect to interstate commercial motor vehicle safety.

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/91	56 FR 7319
NPRM Comment	04/23/91	
Period End		
Consolidated into	04/16/92	57 FR 13572
RIN 2125-AC90		

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 02/22/91 (56 FR 7319)

**Additional Information:** Former Title: Review and Preemption of State Motor-Carrier Safety Regulations.

**Agency Contact:** Bill Blount, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2884

**RIN:** 2125-AC11

### 2405. PARTS AND ACCESSORIES FOR SAFE OPERATION; EMERGENCY WARNING DEVICES

**Significance:** Nonsignificant

**Legal Authority:** PL 100-690, Sec 9106; 49 USC 3102; 49 USC app 2505

**CFR Citation:** 49 CFR 393; 49 CFR 392

**Legal Deadline:** Final, Statutory, October 31, 1989.

**Abstract:** The FHWA requested comments on several issues relating to the appropriate use of emergency warning devices for commercial motor vehicles in response to section 9106 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (PL 100-690, 102 Stat. 4181). Issues included the use of fusees as an alternative or supplement to bidirectional emergency reflective triangles, as well as all aspects of emergency warning devices, including the type allowed and exemptions and/or conditions for use. On 11/9/89, a notice of termination of rulemaking was published at 54 FR 47092 regarding the use of fusees as an alternative or supplement to bidirectional reflective triangles. That



## DOT—FHWA

## Completed Actions

issue has been reevaluated in light of PL 102-240 and it has been determined to let the termination notice stand.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/03/89	54 FR 5516
ANPRM	03/20/89	
Comment Period End		
Action	11/09/89	54 FR 47092
Terminated		

**Small Entities Affected:** None

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation  
02/03/89 (54 FR 5516)

**Agency Contact:** Robert Hagan,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
266-2981

**RIN:** 2125-AC26

**2406. QUALIFICATION OF DRIVERS;  
WRITTEN EXAMINATIONS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC app 2503; 49  
USC app 2505; 49 USC 3102; 49 USC  
4104

**CFR Citation:** 49 CFR 391

**Legal Deadline:** None

**Abstract:** Due to amendments to the Federal Motor Carrier Safety Regulations (FMCSRs) which have occurred in the past few years, certain information and terminology currently found in the written examinations for drivers is no longer correct, and this action was to amend and correct the examination. However, in connection with the President's Regulatory Moratorium and Review, the Department of Transportation has reviewed all existing regulations and determined that the written examination is obsolete, and proposed to rescind it. (57 FR 21362, 5/20/92). Therefore action on this contemplated amendment is terminated.

**Timetable:**

Action	Date	FR Cite
Action	07/10/92	
Terminated		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** State

**Analysis:** Regulatory Evaluation

**Agency Contact:** Thomas P. Kozlowski,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-2981

**RIN:** 2125-AC42

**2407. QUALIFICATION OF DRIVERS;  
TOW-TRUCK OPERATORS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 3102; 49 USC  
app 2505

**CFR Citation:** 49 CFR 395

**Legal Deadline:** None

**Abstract:** The FHWA is consolidating this rulemaking and RINs 2125-AC66 and 2125-AC67 into 2125-AC67, "Federal Motor Carrier Safety Regulations; General; Emergency Relief." This action proposed to amend part 395, Hours of Service of Drivers, to include an exemption for tow-truck operators responding to an emergency situation at the request of a law enforcement or emergency response official.

**Timetable:**

Action	Date	FR Cite
Notice	08/11/88	53 FR 30369
Requesting Comments on Petition		
NPRM	07/06/90	55 FR 27844
NPRM Comment Period End	08/20/90	
Consolidated into	10/01/92	
RIN 2125- AC67		

**Small Entities Affected:** None

**Government Levels Affected:** Local,  
State

**Analysis:** Regulatory Evaluation  
07/06/90 (55 FR 27844)

**Agency Contact:** Thomas P. Kozlowski,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-2981

**RIN:** 2125-AC43

**2408. QUALIFICATION OF DRIVERS;  
MEDICAL EXAMINATION**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 3102; 49 USC  
3104; 49 USC app 2503; 49 USC app  
2505

**CFR Citation:** 49 CFR 390; 49 CFR 391

**Legal Deadline:** None

**Abstract:** This rulemaking amended section 391.43 of the Federal Motor Carrier Safety Regulations (FMCSRs) to permit certain licensed health care professionals to perform physical examinations of commercial motor vehicle drivers. The FHWA addressed this issue in response to numerous requests received from motor carriers, medical facilities, physicians, physician assistants (PAs), and nurse practitioners (NPs) to allow PAs and NPs to perform physical examinations under the supervision of licensed doctors of medicine or osteopathy. This action permits drivers to have their physical examinations performed at more convenient times and locations and perhaps at a lower cost. This action requires health care professionals, who perform the physical examination, to become more knowledgeable of the FMCSRs requirements. The certification and determination that a driver is physically qualified in accordance with the requirements of 49 CFR 391 would remain with the licensed doctor of medicine or osteopathy.

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/90	55 FR 13812
NPRM Comment Period End	06/11/90	55 FR 13812
Final Action	07/28/92	57 FR 33276
Final Action Effective	08/27/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
07/28/92 (57 FR 33276)

**Agency Contact:** Thomas P. Kozlowski,  
Department of Transportation, Federal  
Highway Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-2981

**RIN:** 2125-AC44

**2409. HOURS OF SERVICE OF  
DRIVERS; EXCEPTION FOR  
EMERGENCY RELIEF SITUATIONS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC app 2505; 49  
USC 3102

**CFR Citation:** 49 CFR 395

**Legal Deadline:** None



## DOT—FHWA

## Completed Actions

**Abstract:** This action would exempt from the maximum hours of service requirements those individuals or business entities engaged in bona fide emergency relief operations as defined in this proposal. The exemption would be available primarily to interstate public utilities, and fuel-delivery motor carriers and drivers of commercial motor vehicles responding to an emergency situation at the request of State or local government officials. FHWA has consolidated this rulemaking with RIN 2125-AD43 into 2125-AC67.

**Timetable:**

Action	Date	FR Cite
NPRM	05/29/91	56 FR 24166
NPRM Comment Period End	07/15/91	
Consolidated into RIN 2125- AC67	10/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
05/29/91 (56 FR 24166)

**Agency Contact:** David Miller, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

**RIN:** 2125-AC66

#### 2410. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM

**Significance:** Nonsignificant

**Legal Authority:** 23 USC 109(a); 23 USC 109(h); 23 USC 44; 23 USC 151; 23 USC 315; 23 USC 319; EO 11988

**CFR Citation:** 23 CFR 1.32; 23 CFR 650; 49 CFR 1.48(b)

**Legal Deadline:** None

**Abstract:** The FHWA has withdrawn its June 1, 1991, notice of proposed rulemaking which called for revising the procedures for evaluating existing highway bridges for eligibility under the Highway Bridge Replacement and Rehabilitation Program. The proposed procedures would have replaced the use of the "sufficiency rating formula" with "level of service" criteria. The decision to withdraw was based on evaluation of docket comments and changes to the bridge program as a result of the Intermodal Surface

Transportation Efficiency Act of 1991, PI 102-240.

**Timetable:**

Action	Date	FR Cite
NPRM	06/04/91	56 FR 25392
NPRM Comment Period Extended to 09/05/91	07/31/91	56 FR 36121
NPRM Comment Period End	08/05/91	
Withdrawn	07/06/92	57 FR 29689

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/04/91 (56 FR 25392)

**Agency Contact:** Daniel O'Connor, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1567

**RIN:** 2125-AC73

#### 2411. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION REGULATION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

**Significance:** Nonsignificant

**Legal Authority:** 42 USC 4601 et seq

**CFR Citation:** 49 CFR 24; 49 CFR 1.48(cc)

**Legal Deadline:** None

**Abstract:** This rule amended 49 CFR 24.103(d), which concerns the qualifications of appraisers who value property for Federal and federally assisted projects. The amendment provides that, if a detailed appraisal is necessary, and the agency employs a contract (fee) appraiser to perform the appraisal, such appraiser must be certified in accordance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), PL 101-73, 103 Stat. 183, 511, August 9, 1989. Title XI of the FIRREA requires the establishment of State programs for the licensing and certification of appraisers performing appraisals for federally related transactions under the jurisdiction of Federal financial institution regulatory agencies. Using such certified appraisers for detailed appraisals of property subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act), 42 U.S.C. 4601-4655, will

strengthen the integrity of the appraisal process. This rule applies to the real property acquisition activities of 18 Federal agencies including the Department of Transportation.

**Timetable:**

Action	Date	FR Cite
NPRM	06/19/91	56 FR 28302
NPRM Comment Period End	08/19/91	
Final Action	07/27/92	57 FR 33264
Final Action Effective	12/31/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
07/27/92 (57 FR 33264)

**Agency Contact:** Gerald B. Saunders, Chief, Operations Division, Office of Right-of-Way, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0142

**RIN:** 2125-AC75

#### 2412. COMMERCIAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM; VERIFICATION

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 3102; 49 USC app 2301 to 2304; 49 USC app 2505; PL 101-500

**CFR Citation:** 49 CFR 350; 49 CFR 396; 49 CFR 1.48

**Legal Deadline:** Final, Statutory.  
August 3, 1991.

**Abstract:** The FHWA is proposing to amend its regulation regarding the Motor Carrier Safety Assistance Program (MCSAP) and the inspection of commercial motor vehicles to ensure proper and timely correction of safety violations found during federally funded State inspections of commercial vehicles. This action has been consolidated into RIN 2125-AC90, Motor Carrier Safety Assistance Program.

**Timetable:**

Action	Date	FR Cite
NPRM	08/16/91	56 FR 40848
NPRM Comment Period End	09/16/91	
NPRM Comment Period Extended to 10/31/91	10/04/91	56 FR 50305



DOT—FHWA

Completed Actions

**Action**                      **Date**                      **FR Cite**  
 Consolidated into 04/16/92 57 FR 13572  
 RIN 2125-  
 AC90.

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
 08/16/91 (56 FR 40848)

**Agency Contact:** James McCauley,  
 Department of Transportation, Federal  
 Highway Administration, 400 Seventh  
 Street SW., Washington, DC 20590, 202  
 366-0133

**RIN:** 2125-AC76

**2413. ● COMMERCIAL DRIVER'S  
 LICENSE; RECIPROCITY WITH  
 MEXICO**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 3102; 49 USC  
 app 12701 et seq; 49 CFR 1.48

**CFR Citation:** 49 CFR 383

**Legal Deadline:** None

**Abstract:** This action clarifies the  
 Commercial Driver's License (CDL)  
 reciprocity with Mexico as defined in a  
 Memorandum of Understanding  
 between the United States and Mexico.  
 Mexican drivers who hold a new

Licencia Federal issued by the Mexican  
 government have met requirements  
 similar to those met by CDL holders  
 and may operate in the U.S. on the  
 same terms as persons who hold CDLs.

**Timetable:**

Action	Date	FR Cite
Final Action	07/16/92	57 FR 31454

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** This action is  
 needed to update the regulations to  
 reflect an enabling agreement between  
 the United States and Mexico. Since  
 this rule imposes no additional burdens  
 on the States or other Federal agencies,  
 FHWA found good cause to make this  
 regulation final without prior notice or  
 opportunity for comments, and without  
 a 30-day delay in effective date, under  
 section 5 USC 553(b) of the  
 Administrative Procedure Act.

**Agency Contact:** Carol Harbaugh,  
 Transportation Specialist, Department  
 of Transportation, Federal Highway  
 Administration, 400 Seventh Street SW.,  
 Washington, DC 20590, 202 366-0076

**RIN:** 2125-AC98

**2414. 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:** Regulations pertaining to the  
 Manual On Uniform Traffic Control  
 Devices are currently being published  
 under separate Regulatory  
 Identification Numbers. See RINs AC83  
 and AC89. Therefore, this agenda entry  
 is being closed. Any future actions with  
 respect to the Manual On Uniform  
 Traffic Control Devices will be assigned  
 separate RINs as appropriate.

**Timetable:**

Action	Date	FR Cite
Action Terminated	07/07/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local,  
 State, Federal

**Agency Contact:** Rudolph M. Umbs,  
 Department of Transportation, Federal  
 Highway Administration, 400 Seventh  
 Street SW., Washington, DC 20590, 202  
 366-2177

**RIN:** 2125-AA37

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

National Highway Traffic Safety Administration (NHTSA)

**2415. + REVIEW: PASSENGER CAR  
 FRONT SEAT OCCUPANT  
 PROTECTION (FEDERAL MOTOR  
 VEHICLE SAFETY STANDARD NO.  
 208)**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC  
 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** This standard requires the  
 provision of automatic occupant  
 protection in the front outboard seats of  
 passenger cars after September 1, 1989.  
 Air bags and automatic safety seat  
 belts are being installed to meet the  
 standard. The agency will analyze the  
 actual road experience of vehicles  
 equipped with automatic occupant  
 protection to measure the reduction of  
 fatalities and injuries, observe  
 operational performance, and assess

public acceptance and costs. The  
 regulation was selected for review  
 because of its costs, potential benefits,  
 and public interest; this review is  
 considered significant because of  
 substantial public interest.

**Timetable:**

Action	Date	FR Cite
Begin Review	01/17/90	55 FR 1586
Request for Comments	07/08/92	57 FR 30293
End Review	12/31/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Frank Ephraim,  
 Director, Office of Standards  
 Evaluation, Department of  
 Transportation, National Highway  
 Traffic Safety Administration, 400

Seventh Street SW., Washington, DC  
 20590, 202 366-1574

**RIN:** 2127-AD82

**2416. + PASSENGER CAR BRAKE  
 PERFORMANCE**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC  
 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.105; 49 CFR  
 571.135

**Legal Deadline:** Other, Statutory,  
 December 31, 1993.

Deadline is for an ANPRM.

**Abstract:** The NHTSA Authorization  
 Act of 1991 directs the agency to  
 publish an ANPRM to consider the  
 need for additional brake performance  
 standards for passenger cars, including  
 antilock brake systems (ABS). The  
 ANPRM will lay out the issues that the



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agency needs to resolve in order to determine whether to proceed with rulemaking on light vehicle ABS. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AE47

#### 2417. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** Standard 108 requires passenger cars sold after October 1, 1985, to be equipped with center high-mounted stop lamps (CHMSLs). NHTSA undertook a staff evaluation of the safety effectiveness, benefits, and cost of CHMSLs. A preliminary report was published in March 1987 and a final report in August 1989. Comments were requested, which will be considered before the review ends.

**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/85	
Preliminary Evaluation Report Published	03/20/87	52 FR 9609
Interim Evaluation Report Published	08/04/89	54 FR 32153
Interim Evaluation Report Comments Reviewed and Docketed	02/21/90	
End Review	12/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** The evaluation report indicated that cars equipped with center high-mounted stop lamps were 17 percent less likely to be struck in the rear while braking than cars without the lamps.

**Agency Contact:** Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NPP-10, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

**RIN:** 2127-AB76

#### 2418. REVIEW: GLASS-PLASTIC WINDSHIELDS

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** This review involves analysis of the costs, benefits, and operational performance of glass-plastic windshields regulated by Federal Motor Vehicle Safety Standard No. 205. This program was selected because of public interest and potential benefits.

**Timetable:**

Action	Date	FR Cite
Begin Review	08/01/89	
End Review	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Frank Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

**RIN:** 2127-AD29

#### 2419. BRAKE LINING

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.105

**Legal Deadline:** None

**Abstract:** Petitions from R. Grabowsky and American Trucking Association (ATA) requested initiation of rulemaking concerning brake linings (all vehicles and aftermarket). Mr.

Grabowsky petitioned relative to stability, friction level, fade, wear, and identification of linings. ATA petitioned relative to friction level and identification of linings for heavy vehicles only. Petitions concerned both performance levels and test procedures, and were granted.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AC66

#### 2420. STANDARD 105; HYDRAULIC BRAKE

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.105

**Legal Deadline:** None

**Abstract:** This standard regulates the performance of antilock brake systems for passenger cars and other vehicles with hydraulic brakes. The purpose of antilock brakes is to enhance the driver's control of the vehicle during emergency braking. Antilock brakes are currently available on some passenger cars. The standard, at this time, does not require them for all cars. The regulation was selected for review because of public interest in the costs and benefits of antilock brakes.

**Timetable:**

Action	Date	FR Cite
Begin Review	01/01/90	
End Review	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

**RIN:** 2127-AC94



DOT—NHTSA

Prerule Stage

**2421. SEATING SYSTEMS TEST PROCEDURE**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571.207

**Legal Deadline:** None

**Abstract:** The agency is considering whether to adopt a test procedure more appropriate to pedestal seats, and has proposed using a procedure that more closely represents the load distribution actually experienced by pedestal seats in real-world crashes:

**Timetable:**

Action	Date	FR Cite
NPRM	08/14/90	55 FR 33141
NPRM Comment	09/28/90	
Period End		
SNPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/14/90 (55 FR 33141)

**Agency Contact:** Dr. Patricia Breslin, 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-AD09

**2422. TIRE LABELING, FMVSS 109, 110, 117, 119, 120; PARTS 569, 574, 575**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 569; 49 CFR 571.109; 49 CFR 571.110; 49 CFR 571.117; 49 CFR 571.120; 49 CFR 574; 49 CFR 575

**Legal Deadline:** None

**Abstract:** This review concerns the usefulness of various tire labels and information to consumers, tire sellers, repairers, and rereaders.

**Timetable:**

Action	Date	FR Cite
Begin Review	10/01/89	
End Review	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Frank Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

**RIN:** 2127-AD28

**2423. TRUCK VOLTAGE FOR EXTERIOR LIGHTING**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** An investigation is being conducted to see if the voltage to exterior truck body lights is adequate to produce the required illumination from the side marker, identification tail and brake lights as required in Standard 108, Lamps, Reflective Devices, and Associated Equipment. The present requirement tests at the voltage at which light flux is measured rather than at the voltage which actually occurs on vehicles; which is often less. A decision on rulemaking will be made after a research report is received.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AD40

**2424. RULEMAKING TO DELETE "DUE CARE" PROVISIONS FROM THE OCCUPANT CRASH PROTECTION STANDARD**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** In 1988, NHTSA added a provision to Standard No. 208, Occupant Crash Protection, allowing vehicles that fail one or more of the injury criteria in the standard to still be considered as complying with the standard if the manufacturer could show it had exercised "due care" in the design and construction of the vehicle. The Motor Vehicle Safety Act requires all safety standards to be expressed in "objective terms." Further, the courts have held that compliance with safety standards must be determined by objective measurements and without recourse to any subjective determinations. The inherently subjective nature of a "due care" determination precludes the use of that concept as an aspect of compliance with the safety standards. Therefore, the "due care" provisions would be proposed to be deleted from the crash protection standard.

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Stephen Kratzke, Deputy Assistant Chief Counsel for Rulemaking, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2992

**RIN:** 2127-AD54

**2425. BRAKE HOSES AND FLUIDS**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1401; 15 USC 1403; 15 USC 1407; 15 USC 1892

**CFR Citation:** 49 CFR 571.106; 49 CFR 571.116

**Legal Deadline:** None

**Abstract:** The agency has granted a petition from the United States Army Tank Automotive Command (ATAC), to amend Federal Motor Vehicle Safety Standard No. 106, Brake Hoses, and Federal Motor Vehicle Safety Standard No. 116, Brake Fluids. ATAC requested that Standard No. 106 be amended to require brake hose compatibility with a fluid that includes DOT 5 characteristics and that Standard No.



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116 be amended to require compatibility of DOT 3, DOT 4, and DOT 5 brake fluids with elastomeric seals and cups internal to hydraulic brake system master and wheel cylinders. The agency believes that the changes suggested by ATAC warrant further consideration.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AD70

**2426. ● VEHICLES EQUIPPED WITH LONG-STROKE BRAKE CHAMBERS**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.121

**Legal Deadline:** None

**Abstract:** The agency has received a petition requesting relief from the reservoir capacity requirements for vehicles equipped with long-stroke brake chambers in order to encourage the chambers' use. Petition is pending.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AE54

**2427. ● RADIATOR SAFETY CAP**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** The agency has been petitioned to establish a new safety standard that would result in the use of thermal locking safety radiator caps. The purpose of the thermal locking radiator cap would be to prevent the accidental scalding of motorists and gas station attendants who hastily open the cap on a hot radiator of a motor vehicle. As an alternative to petition denial or grant, the agency is considering soliciting comments from the public and industry regarding the need for a new safety standard to address the issue of radiator cap scaldings. Petition is pending.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AE59

**2428. ● CONTROLLED MOTION OF CHILD RESTRAINT SYSTEMS**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** The agency has received a petition to amend the standard to allow the design of controlled motion child restraint systems. The amendment would consist of changing the wording of Section S5.1.1 (b) of the standard to permit manufacturers to explore new and creative designs and still be in compliance with the performance requirements of the standard. The purpose of this action would be to develop child restraints to accommodate infants needing to be in non-upright position during travel and still be able to provide protection of the child during a crash by moving it to a vertical upright position. Petition is pending.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AE60

**DEPARTMENT OF TRANSPORTATION (DOT)**

**Proposed Rule Stage**

**National Highway Traffic Safety Administration (NHTSA)**

**2429. + HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1968; 15 USC 1407 National Traffic &

Motor Vehicle Safety Act of 1968; PL 102-240

**CFR Citation:** 49 CFR 571.121; 49 CFR 571.105

**Legal Deadline:** NPRM, Statutory, May 31, 1992. Final, Statutory, May 1995. NHTSA may issue either an ANPRM or NPRM.

**Abstract:** NHTSA is considering measures to improve the stability and control performance characteristics of heavy vehicles during during braking. Specifically, the agency is considering the issuance of a proposal to establish additional performance requirements for improving the lateral stability of such vehicles while braking. This action



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; Comment Period End 04/16/79	02/15/79	44 FR 9783
Second ANPRM; Comment Period End 05/28/80	02/28/80	45 FR 13155
ANPRM	06/08/92	57 FR 24212
ANPRM Comment Period End	08/07/92	
NPRM	03/00/93	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/08/92 (57 FR 24212)

**Additional Information:** Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

**Agency Contact:** Dr. Patricia Breslin, 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-AA00

**2430. + FLAMMABILITY OF INTERIOR MATERIALS - SCHOOL BUSES**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.302

**Legal Deadline:** None

**Abstract:** Advance Notice of Proposed Rulemaking requested comments regarding possible upgrade of Standard 302 to reduce the risk of fire to school bus occupants. This rulemaking is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44627
ANPRM Comment Period End	01/03/89	53 FR 44627

Action	Date	FR Cite
Request for Comments; Comment Period End 04/29/91	02/26/91	56 FR 7826
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None\*

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Dr. Patricia Breslin, 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-AA44

**2431. + CARS AND LIGHT TRUCKS: PADDING A-PILLARS, SIDE RAIL, ETC**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571.201; 49 CFR 571.205; 49 CFR 571.206; 49 CFR 571.214

**Legal Deadline:** NPRM, Statutory, January 31, 1993.

**Abstract:** A Notice of Intent announced that NHTSA will publish a notice of proposed rulemaking (NPRM) concerning improved head impact protection from interior components of passenger cars, i.e., roof rails, pillars, and front headers. This rulemaking action and notice of a publication date for the NPRM are required by the NHTSA Authorization Act of 1991. This action is considered significant because of safety and cost implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31712
ANPRM Comment Period End	10/18/88	
Notice of Intent	06/05/92	57 FR 24008
NPRM	01/31/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This entry was formerly titled: Side-Impact Protection, Head/Neck Protection, and Occupant Ejection Mitigation.

**Agency Contact:** Dr. Patricia Breslin, 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-AB85

**2432. + ROLLOVER**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.216

**Legal Deadline:** NPRM, Statutory, May 31, 1992. Final, Statutory, May 1993. NHTSA may issue either an ANPRM or NPRM.

**Abstract:** Pursuant to the NHTSA Authorization Act of 1991, the agency is considering whether to propose a Federal motor vehicle safety standard to reduce the casualties associated with rollovers of passenger cars, pickup trucks, vans, and utility vehicles. This action is considered significant as it concerns a matter of substantial public interest and any resultant rule might have substantial impact on a major safety problem.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/03/92	57 FR 242
ANPRM Comment Period End	04/03/92	
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** A notice of availability of a planning document for this rulemaking was published 09/29/92 [57 FR 44721].

**Agency Contact:** Dr. Patricia Breslin, 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-AC64

**2433. ● + ROOF CRUSH RESISTANCE**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1417

**CFR Citation:** 49 CFR 571.216

**Legal Deadline:** None



DOT-NHTSA

Proposed Rule Stage

**Abstract:** On April 17, 1991, the agency published a final rule to extend its requirements to multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating (GVWR) of 6,000 pounds or less (56 FR 15510, effective September 1, 1993). This notice proposes to delay for one year the effective date of the final rule requirements to light trucks. The agency believes that this delay would ease the economic burden of this regulation on the manufacturers of these vehicles with a minimal impact on occupant safety. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/92	57 FR 38462
NPRM Comment Period End	10/05/92	
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/25/92 (57 FR 38462)

**Agency Contact:** Deborah Parker, Director, Special Project Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4931

**RIN:** 2127-AD13

**2434. + COMPRESSED NATURAL GAS (CNG) AND PROPANE**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.301

**Legal Deadline:** None

**Abstract:** Standard No. 301, Fuel System Integrity, has as its purpose the reduction of deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes. However, CNG and propane, when used as motor fuels, are not covered under the current requirements of this standard. NHTSA desires that any safety performance standard which may be established for the fuel system integrity of vehicles using CNG or propane as a motor fuel be in harmony with the activities and regulatory authority of others to the extent possible. A public meeting

notice/ANPRM requesting comments for exploring approaches that might be used if the agency were to establish a safety performance standard for the fuel system integrity of vehicles using CNG or propane as a motor fuel. The cost and benefits are unknown at this time. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/12/90	55 FR 41561
Public Meeting Notice	10/12/90	55 FR 41561
ANPRM Comment Period End	12/11/90	
ANPRM Comment Period Extended to	12/17/90	55 FR 51737
	01/31/91	
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Subsequent action dependent on information gathered.

**Agency Contact:** Gary Woodford, General Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4804

**RIN:** 2127-AD48

**2435. + WHEELCHAIR LIFTS**

**Significance:** Agency Priority

**Legal Authority:** PL 101-336 Americans With Disabilities Act

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** This action would establish new requirements for wheelchair lifts used on motor vehicles. This is significant due to substantial public interest in transportation of the handicapped.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Agency Contact:** Dr. Patricia Breslin, 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-AD50

**2436. + SIDE IMPACT PROTECTION: ANTHROPOMORPHIC ALTERNATE TEST DUMMIES (BIOSID AND EUROSID)**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 572

**Legal Deadline:** None

**Abstract:** In testing, a passenger car must provide protection to the thoracic and pelvic regions of a specified side-impact dummy (SID) in a full-scale crash test. Studies demonstrated that two alternative dummies, BioSID and/or EuroSID, compared satisfactorily to SID. Comments were requested on the desirability and need for specifying alternative dummies in standard 214, and to obtain relevant technical data which could be used to support an NPRM. This action is considered significant due to substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/27/91	56 FR 67042
ANPRM Comment Period End	03/12/92	
ANPRM Comment Period Extended to	04/13/92	57 FR 12794
	5/13/92	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 11/00/92

**Additional Information:** RIN 2127-AD74 - Side Impact Protection: Anthropomorphic Alternate Test Dummy (EUROSID) has been consolidated into this rulemaking.

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety



## DOT—NHTSA

## Proposed Rule Stage

Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC, 202 366-0842

RIN: 2127-AD73

#### 2437. + ELECTRIC VEHICLE SAFETY

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** The agency is requesting comments on any existing standards that may need to be amended to address electric vehicle (EV) safety problems and any new standard that may need to be developed specifically for EVs. The agency is also reviewing safety needs of EVs and is considering possible rulemaking in response to the increasing attention being given EVs as a means of achieving a cleaner and healthier environment. Since this notice proposes no specific regulations and production of EVs are not currently available for evaluation, the costs and benefits of rules that may result from comments on this notice cannot be estimated at this time. This action is considered significant under the Department's regulatory policies and procedures because it concerns a matter of considerable public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/27/91	56 FR 67038
ANPRM	03/27/92	
Comment Period End		
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AE29

#### 2438. + LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS FOR MODEL YEARS BEYOND 1994

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1657; 15 USC 2002

**CFR Citation:** 49 CFR 533

**Legal Deadline:** Final, Statutory, March 31, 1993.

**Abstract:** In accordance with the mandatory requirements of section 502(b) of the Motor Vehicle Information and Cost Savings Act, this agency will establish light truck average fuel economy standards for Model Years (MY) beyond 1994. This action is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive market.

**Timetable:**

Action	Date	FR Cite
Questionnaire Gathering Information on Manufacture Product Plans	10/08/91	56 FR 50694
Questionnaire Correction	11/15/91	56 FR 58020
NPRM	10/00/92	
Interim Final Rule	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0846

RIN: 2127-AE42

#### 2439. + MANDATING AIR BAGS

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** Final, Statutory, September 1, 1993.

**Abstract:** The NHTSA Authorization Act of 1991 directs the agency to initiate rulemaking to amend the automatic occupant protection requirements of standard 208 by mandating the installation of air bags. The Act requires that all passenger cars be equipped with air bags at the front outboard seating positions by September 1, 1997, and that all light trucks and vans be so equipped by

September 1, 1998. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AE46

#### 2440. + DYNAMIC TESTING OF LIGHT TRUCKS AND VANS FOR SIDE IMPACT

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.214

**Legal Deadline:** NPRM, Statutory, May 31, 1992. Other, Statutory, August 5, 1994.

Action must be completed within 26 months of ANPRM publication.

**Abstract:** On October 30, 1990 (55 FR 45722), the agency amended standard 214 to amend the current side door strength requirements in passenger cars to add dynamic side impact protection requirements. The NHTSA Authorization Act of 1991 directed the agency to initiate rulemaking to extend these requirements to light trucks and vans having a GVWR of less than 10,000 lbs. In response to this statutory mandate, the ANPRM announced that the agency is considering the issuance of this proposal. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/05/92	57 FR 24009
ANPRM	08/04/92	
Comment Period End		
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None



DOT—NHTSA

Proposed Rule Stage

**Analysis:** Regulatory Impact Analysis; Regulatory Evaluation 06/05/92 (57 FR 24009)

**Agency Contact:** Dr. Patricia Breslin, 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-AE49

#### 2441. ● + PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS FOR MY 1990

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1657; 15 USC 2002

**CFR Citation:** 49 CFR 531

**Legal Deadline:** None

**Abstract:** NHTSA terminated a rulemaking proceeding to amend the MY 1990 CAFE standard, having decided that retaining the statutory standard, instead of lowering it, would not have any adverse safety consequences. However, the court ruled that NHTSA had not adequately analyzed the safety issue and it was remanded to the agency for further explanation. The agency is soliciting comments from all interested persons on the effect on highway safety. This action is considered significant because of substantial public interest.

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Termination notice published May 22, 1990 (54 FR 21985). CEI NHTSA, 956 F2d 321 (D.C. Circuit 1992) remanded the MY 1990 decision to NHTSA for further explanation.

**Agency Contact:** Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0846

**RIN:** 2127-AE51

#### 2442. 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.

#### Timetable:

Action	Date	FR Cite

**Next Action Undetermined**

**Small Entities Affected:** None

**Government Levels Affected:** None

**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

#### 2443. EMERGENCY LOCKING RETRACTORS

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** Federal Motor Vehicle Safety Standard No. 208 requires safety belt systems in the front outboard seating positions of passenger cars to adjust automatically by means of emergency locking retractors. Horkey and Associates petitioned the agency to prohibit the use of emergency locking retractors as it is alleged they do not provide adequate protection against occupant rebound in rear impacts. The petition, and a related one from Environmental Research and Safety Technologists of Flagstaff, Arizona, were granted (RIN 2127-AD08).

#### Timetable:

Action	Date	FR Cite
ANPRM	10/04/89	54 FR 40896
ANPRM	12/04/89	54 FR 40896

Comment  
Period End

**Next Action Undetermined**

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This action was formerly titled Occupant Crash Protection, Emergency Locking Retractors.

**Agency Contact:** Dr. Patricia Breslin, 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-AC57

#### 2444. FUEL SPILLAGE

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1407; 15 USC 1410

**CFR Citation:** 49 CFR 552; 49 CFR 571

**Legal Deadline:** None

**Abstract:** Federal Motor Vehicle Safety Standard (FMVSS) No. 301 specifies requirements for the integrity of motor vehicle fuel systems so that fires that result from fuel spillage during and after motor vehicle crashes may be reduced. This standard applies to passenger cars and school buses, and to multipurpose passenger vehicles, trucks, and buses that have a gross vehicle weight rating of 10,000 pounds or less. The California Highway Patrol (CHP) petitioned the agency to specify requirements in FMVSS No. 301 to reduce fuel spills from the fuel tank or fuel lines on heavy trucks and truck tractors over 10,000 pounds. The fuel spills, according to the CHP, are due to damage caused by road debris. On May 2, 1988, the agency published a grant of petition for rulemaking in the Federal Register for the CHP petition. However, the agency is granting the petition pending the results of its forthcoming investigation of fuel-tank fires in over-the-road trucks, on which research is presently underway.



DOT—NHTSA

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** This entry was formerly titled Fuel System Integrity, Fuel Spillage.

**Agency Contact:** Dr. Patricia Breslin, 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-AC62

**2445. AIR BRAKE SYSTEMS, STOPPING-DISTANCE PERFORMANCE**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.121

**Legal Deadline:** None

**Abstract:** Accidents involving heavy trucks have a disproportionate (higher) fatality rate than all other motor vehicles. This rulemaking proposes to reinstate stopping distance performance requirements in Standard 121 so as to help improve heavy vehicle braking performance and hence reduce the number of accidents involving these vehicles. Although a court decision found that Standard 121, as it then existed, was unenforceable, additional accident data and technical review have persuaded NHTSA that the court's requirements can now be met.

**Timetable:**

Action	Date	FR Cite
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NPRM	10/00/92	
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**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AD07

**2446. SEATING SYSTEMS PERFORMANCE**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571.207

**Legal Deadline:** None

**Abstract:** Environmental Research and Safety Technologists of Flagstaff, AZ, petitioned the agency to reexamine the general performance requirements of the Standard. The ANPRM requested comments.

**Timetable:**

Action	Date	FR Cite
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ANPRM	10/04/89	54 FR 40896
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ANPRM	12/04/89	54 FR 40896
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Comment  
Period End

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** Petitions for rulemaking were granted 07/24/89. See a related rulemaking action involving these petitioners under RIN 2127-AC57.

**Agency Contact:** Dr. Patricia Breslin, 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-AD08

**2447. ENFORCEMENT OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1397; 15 USC 1398; 15 USC 1401; 15 USC 1402; 15 USC 1403; 15 USC 1407; 15 USC 1408; 15 USC 1410a; 15 USC 1411; 15 USC 1412; 15 USC 1413; 15 USC 1414; 15 USC 1415; 15 USC 1516; ...

**CFR Citation:** 49 CFR 552; 49 CFR 554; 49 CFR 573; 49 CFR 576; 49 CFR 577

**Legal Deadline:** None

**Abstract:** The agency would propose to amend several provisions of regulations that pertain to its enforcement of the National Traffic and Motor Vehicle Safety Act. The proposed amendment would relate to NHTSA's consideration of petitions for rulemaking or for

investigation of alleged defects or noncompliance with safety standards (Part 552); NHTSA's procedures following an initial determination that a safety-related defect exists (Part 573); the form and content of notification letters that manufacturers must send to owners following a determination that a vehicle or item of motor vehicle equipment contains a defect or does not comply with a safety standard (Part 577); record retention requirements applicable to manufacturers (Part 576); and a clarification that NHTSA's recordkeeping and reporting regulations (Part 573 and 576) apply to electronically generated or communicated materials.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Additional Legal Authority: 15 USC 1416 15 USC 1417 15 USC 1418 15 USC 1419 15 USC 1420

**Agency Contact:** Eileen Leahy, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5263

**RIN:** 2127-AD83

**2448. EXCLUSIVE USE OF HYBRID III TEST DUMMY IN COMPLIANCE TESTING**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 1.50; 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, the agency is proposing to require sole use of the Hybrid III test dummy for compliance testing of Federal Motor Vehicle Safety Standard No. 208. This action is proposing a five-year leadtime for the manufacturers to substitute the Hybrid III for the Hybrid II test dummy.



## DOT—NHTSA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Agency Contact:** Dr. Patricia Breslin,  
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-AE19

#### 2449. ● STOPPING DISTANCE PERFORMANCE REQUIREMENTS

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC  
1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.105

**Legal Deadline:** None

**Abstract:** The agency is proposing to establish stopping distance performance requirements for trucks, buses, and multipurpose vehicles (MPVs) with a gross vehicle weight rating (GVWR) of over 10,000 pounds. These proposed requirements would be applicable on a high coefficient of friction surface.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Agency Contact:** Dr. Patricia Breslin,  
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-AE21

#### 2450. ● EMERGENCY EXIT REQUIREMENTS FOR NON-SCHOOL BUSES

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC  
1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.217

**Legal Deadline:** None

**Abstract:** The agency is proposing to allow non-school buses to meet either the non-school bus emergency exit requirements or the school bus emergency exit requirements. Since the proposed requirements are optional, there are no cost or lead-time considerations to new bus manufacturers.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin,  
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-AE25

#### 2451. ● HEAD INJURY CRITERION AND USE OF NECK INJURY CRITERION

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC  
1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** A petition for rulemaking was granted to consider changing the injury criteria used to determine compliance with the occupant crash protection standard. One of the specified injury criteria is the Head Injury Criterion, or HIC, which was developed to assess the likelihood of head injuries. The available evidence indicates that belted occupants in frontal collisions are not at risk for a serious head injury when their head does not contact any vehicle surface or component but may be at risk for neck injury in those non-contact crashes. This action will propose to substitute a neck injury criterion for the HIC in non-contact crashes.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin,  
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-AE34

#### 2452. ● OPTICAL COATINGS AND HEAT DEGRADATIONS

**Significance:** Nonsignificant

**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 for rulemaking was granted to consider changes in the weathering (haze) criteria for material that is used for reflex reflectors which would allow the use of polycarbonate plastic coating to reduce haze.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin,  
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-AE38

#### 2453. CHILD BOOSTER SEATS

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC  
1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** NPRM, Statutory, May  
31, 1992. Final, Statutory, July 31, 1994.

**Abstract:** The NHTSA Authorization Act of 1991 directs the agency to initiate rulemaking on child booster seat safety. In response to this statutory mandate, this notice requests comments on issues regarding improved booster seat safety.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/29/92	57 FR 22682
ANPRM Comment Period End	07/28/92	
NPRM	03/00/93	



DOT—NHTSA

Proposed Rule Stage

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/29/92 (57 FR 22682)

**Agency Contact:** Dr. Patricia Breslin, 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-AE39

**2454. ● VEHICLE ID CONTENT REQUIREMENTS**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1395; 15 USC 1397; 15 USC 1401; 15 USC 1407; 15 USC 1412

**CFR Citation:** 49 CFR 565

**Legal Deadline:** None

**Abstract:** The agency has granted a petition for rulemaking requesting that the Vehicle Identification Number (VIN) of light trucks and multipurpose vehicles reflect the type of restraint systems used.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AE40

**2455. ● DYNAMIC CRASH TEST REQUIREMENTS TO ACCOMMODATE INDIVIDUALS WITH DISABILITIES**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** A petition for rulemaking was granted to consider amending standard 208 to eliminate requirements that are alleged to inadvertently discriminate against individuals who use wheelchairs. The petition relates to the

dynamic test requirements which petitioner feels are cost prohibitive for a vehicle that is specially designed or equipped to be driven by or used by or to transport a person who uses a wheelchair.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/92	57 FR 34539
NPRM Comment	10/05/92	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/05/92 (57 FR 34539)

**Agency Contact:** Dr. Patricia Breslin, 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-AE44

**2456. SAFETY BELT DESIGN**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** Other, Statutory, May 31, 1992. ANPRM

**Abstract:** The NHTSA Authorization Act of 1991 directs the agency to initiate rulemaking to improve the design of safety belts. In response to this statutory mandate, this notice requests comments on possible means of improving safety belt comfort and fit.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/29/92	57 FR 22687
ANPRM Comment	07/28/92	
Period End		
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/29/92 (57 FR 22687)

**Agency Contact:** Dr. Patricia Breslin, 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-AE48

**2457. ● CERTIFICATION OF SPEED LIMIT ENFORCEMENT**

**Significance:** Nonsignificant

**Legal Authority:** 23 USC 118; 23 USC 141; 23 USC 154; 23 USC 315; PL 102-240

**CFR Citation:** 23 CFR 1260

**Legal Deadline:** NPRM, Statutory, December 1992. Final, Statutory, February 1994.

**Abstract:** The agency is proposing to revise procedures contained in 23 CFR 659 and replace that part with a proposed new rule as required by Section 1029 of the Intermodal Surface Transportation Efficiency Act of 1991. It is to be proposed that the national maximum speed limit compliance formula, the speed monitoring plan, and the penalty for non-compliance be modified in accordance with the requirements of this legislation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
Final Action	02/00/94	

**Small Entities Affected:** None

**Government Levels Affected:** State

**Agency Contact:** William Fox, Attorney, Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1834

**RIN:** 2127-AE52

**2458. ● LABEL REQUIREMENTS FOR AIR BAG-EQUIPPED VEHICLES**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1409

**CFR Citation:** 49 CFR 571.208

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking this action will propose to require specified information to be supplied on labels in air bag-equipped vehicles.



## DOT—NHTSA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AE53

### 2459. ● DIMENSIONS OF BEAD UNSEATING TEST FIXTURE

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.109

**Legal Deadline:** None

**Abstract:** This action would amend the dimensions of the bead unseating test fixture to allow testing of new 18- and 19-inch tires.

**Timetable:**

Action	Date	FR Cite
NPRM	09/14/92	57 FR 41912
NPRM Comment	10/29/92	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AE55

### 2460. ● REPLACEABLE LIGHT SOURCE

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition, the agency proposed to change a dimension on the HB-2 headlamp bulb which is almost identical to the European H-4 headlamp bulb in headlamp fit

characteristics, and change the value for the thickness of the bulb ring. This change is to facilitate the ease of manufacturing with thinner sheetmetal stock.

**Timetable:**

Action	Date	FR Cite
NPRM	09/02/92	57 FR 40165
NPRM Comment	10/19/92	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/02/92 (57 FR 40165)

**Agency Contact:** Dr. Patricia Breslin, 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-AE57

### 2461. ● REFEREE MATERIAL

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.108; 49 CFR 571.116

**Legal Deadline:** None

**Abstract:** In response to a petition, the agency is proposing to change the referee material brake fluid specified in the standard from the current RM 68-03, which is being discontinued, to RM 68-04, its replacement.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AE58

### 2462. ● CONSUMER INFORMATION REGULATION - VEHICLE STOPPING DISTANCE

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

**CFR Citation:** 49 CFR 575.101

**Legal Deadline:** None

**Abstract:** The agency is proposing to rescind the requirements that motor vehicle manufacturers provide information about vehicle stopping distance, as the data is available elsewhere and the requirement would impose an undue cost burden on manufacturers.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Nelson Gordy, Safety Standards Engineer, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4797

**RIN:** 2127-AE61

### 2463. ● BUS WINDOW EMERGENCY EXIT

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.217

**Legal Deadline:** None

**Abstract:** In response to a rulemaking petition, the agency is proposing to allow windows that slide into the bus body panel to be used to meet emergency exit requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local

**Agency Contact:** Dr. Patricia Breslin, 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-AE62



**DEPARTMENT OF TRANSPORTATION (DOT)**  
**National Highway Traffic Safety Administration (NHTSA)**

Final Rule Stage

**2464. + CRASHWORTHINESS RATINGS**

**Significance:** Regulatory Program

**Legal Authority:** 15 USC 1401; 15 USC 1941

**CFR Citation:** 49 CFR 5

**Legal Deadline:** None

**Abstract:** This action 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
Comment Period Extended to 10/22/81	04/02/81	46 FR 19947
NPRM Comment Period End	04/22/81	46 FR 7025

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Impact Analysis; Draft Regulatory Evaluation 01/22/81 (46 FR 7025)

**Additional Information:** Docket No. 79-17. NPRM, Notice 1.

**Agency Contact:** Stanley Scheiner, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

**RIN:** 2127-AA03

**2465. + COMMERCIAL VEHICLE CONSPICUITY**

**Significance:** Regulatory Program

**Legal Authority:** 15 USC 1392; 15 USC 1407; PL 101-500

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** NPRM, Statutory, February 3, 1991. Final, Statutory, November 3, 1992.

Pursuant to the Sanitary Food Transportation Act of 1990.

**Abstract:** Proposed actions 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). This rulemaking is considered significant because of substantial public and congressional interest. Related issues pertaining to the recently enacted Sanitary Food Transportation Act have been incorporated into this rulemaking.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405
ANPRM Comment Period End	08/25/80	45 FR 35405
Request for Comments; Comment Period End	09/18/87	52 FR 35345
11/09/87		
NPRM	12/04/91	56 FR 63474
NPRM Comment Period End	02/03/92	
NPRM Comment Period Extended to	02/06/92	57 FR 4594
03/31/92		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 12/04/91 (56 FR 63474)

**Additional Information:** Docket No. 80-9.

**Agency Contact:** Dr. Patricia Breslin, 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-AA12

**2466. + LIGHTING SIMPLIFICATION—POTENTIAL AMENDMENTS ON LONG-TERM ISSUES**

**Significance:** Regulatory Program

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** NHTSA 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. This action addresses the first of these, which is the feasibility of a standard directed toward onboard original-equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. This action is considered significant because of safety implications. Based on comments received, a second NPRM was issued.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	12/29/87	52 FR 49038
NPRM Comment Period End	03/28/88	
SNPRM; Second Correction to	05/09/89	54 FR 20084
Second SNPRM	05/19/89	54 FR 21727

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Preliminary Regulatory Evaluation 12/29/87 (52 FR 49038)

**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.

In response to comments to the SNPRM, additional research has been initiated as to vehicle-based roadway illumination performance requirements. RIN 2127-AD69 - Vehicle Based Roadway Illumination Performance Requirement has been consolidated into this rulemaking.

**Agency Contact:** Dr. Patricia Breslin, 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-AB87

**2467. + TRUCK REAR UNDERRIDE PROTECTION**

**Significance:** Agency Priority



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**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** On January 8, 1981 (46 FR 2136) the agency published a notice of proposed rulemaking on rear underride crashes relative to small vehicles colliding with the rear of a heavy vehicle (a vehicle with a gross vehicle weight rating (GVWR) greater than 10,000 pounds). Rear underride occurs when the front of the smaller vehicle slides under ("underrides") the rear end of the larger vehicle. The agency received over 100 comments on the proposal, some of which raised issues about possible alternatives to the proposal and about the burdens of the proposal on small businesses. The SNPRM sought to retain the safety benefits of the earlier proposal while meeting the concerns about potential small business impacts. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136
NPRM Comment Period End	04/08/81	46 FR 2136
SNPRM; Comment Period End	01/03/92	57 FR 252
SNPRM Comment Period Reopened to	03/04/92	
SNPRM Comment Period	04/09/92	57 FR 12289
Reopened to	06/08/92	
Final Action	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/03/92 (57 FR 252)

**Additional information:** Docket No. 1-11. NPRM, Notice 8.

**Agency Contact:** Dr. Patricia Breslin, 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-AA43

**2468. + SCHOOL BUS BODY JOINT STRENGTH**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.221

**Legal Deadline:** None

**Abstract:** This action proposed to clarify and expand procedures for testing school bus body joint strength; to revise the exemption provided for maintenance access panels on school bus bodies; and to extend the scope of the Standard to include all school buses, including those of GVWR of 10,000 pounds or less. This rulemaking is significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/15/87	52 FR 23314
ANPRM Comment Period End	08/03/87	52 FR 23314
Comment Period Extended to	08/12/87	52 FR 29873
10/15/87		
NPRM	03/15/91	56 FR 11142
NPRM Comment Period End	05/14/91	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/15/91 (56 FR 11142)

**Agency Contact:** Dr. Patricia Breslin, 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-AC19

**2469. + SIDE-IMPACT PROTECTION—LIGHT TRUCKS, VANS, AND MULTIPURPOSE PASSENGER VEHICLES**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 1.50; 49 CFR 571.214

**Legal Deadline:** None

**Abstract:** This action proposes to amend standard 214 to clarify how the quasi-static door strength test procedure is to be conducted in case of several types of vehicles. During rulemaking that extended the quasi-static test requirements to trucks, buses,

and multipurpose passenger vehicles with a gross vehicle weight rating of 10,000 pounds or less several issues were raised concerning the application of the current test procedure to certain types of vehicles. This action solicits comments on this proposal to amend the standard to resolve these issues. This proposal addresses the positioning of the loading cylinder in testing four different types of doors: 1) a door whose lower edge is not at all points parallel to the sill; 2) a door whose lower or rear edge has molding; 3) double cargo doors; and 4) a door which does not have a window. This action is considered significant because of the public safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31716
Comment Period Extension Denied	09/27/88	53 FR 37615
Comment Period Extension Denied	10/17/88	53 FR 40462
ANPRM Comment Period End	10/18/88	53 FR 31716
NPRM	12/22/89	54 FR 52826
NPRM Comment Period End	02/20/90	54 FR 52826
Comment Period Extended to	02/23/90	55 FR 6407
03/22/90		
Final Action; Quasi-Static Test Effective	06/14/91	56 FR 27427
09/01/93		
SNPRM:Comment Period End	01/15/92	57 FR 1716
03/16/92		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Impact Analysis; Regulatory Evaluation 12/22/89 (54 FR 52826)

**Additional information:** A related action proposing requirements for passenger cars (RIN 2127-AB86) was consolidated into RIN 2127-AA48 which was completed in the April 1991 Agenda. RIN 2127-AE17, Side Door Strength Definition, has been consolidated into this proceeding.

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400



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Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AC43

**2470. + FILM TRANSMITTANCE OF GLAZING MATERIALS**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1497

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** A rulemaking petition was granted which requested an amendment be made to the standard which would allow the applications of a film with 35 percent transmittance to the windows of motor vehicles. This project is considered significant because of the substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/20/89	54 FR 30427
Petition for Rulemaking Granted	07/20/89	54 FR 30427
ANPRM Comment Period End	09/18/89	54 FR 30427
NPRM	01/22/92	57 FR 2496
NPRM Comment Period End	03/23/92	
NPRM Comment Period Extended to	03/25/92	57 FR 10327
05/22/92		
NPRM Correction	04/09/92	57 FR 12286
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/22/92 (57 FR 2496)

**Agency Contact:** Dr. Patricia Breslin, 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-AC85

**2471. + BUS WINDOW RETENTION AND RELEASE - UPGRADE FOR SCHOOL BUSES**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407

**CFR Citation:** 49 CFR 571.217

**Legal Deadline:** None

**Abstract:** This action would revise the minimum requirements for emergency exits and improve access to emergency doors on school buses. It is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44623
ANPRM Comment Period End	01/03/89	53 FR 44623
NPRM	03/15/91	56 FR 11153
NPRM Comment Period End	04/29/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 03/15/91 (56 FR 11153)

**Agency Contact:** Dr. Patricia Breslin, 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-AC88

**2472. + REARVIEW MIRRORS FOR SCHOOL BUSES**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1407

**CFR Citation:** 49 CFR 571.111

**Legal Deadline:** None

**Abstract:** This notice proposes to require a bus driver to be able to see, either directly or through mirrors, certain specified areas in front of and along the side of school buses; to specify certain criteria for convex cross-view mirrors; and to establish test conditions designed to ensure that the image of an object is not unreasonably distorted. This rulemaking is significant because of substantial public interest and possible federalism implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/27/89	54 FR 53127
ANPRM Comment Period End	02/12/90	
NPRM	05/02/91	56 FR 20171

Action	Date	FR Cite
NPRM Comment Period End	06/17/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Analysis:** Regulatory Evaluation 05/02/91 (56 FR 20171)

**Agency Contact:** Dr. Patricia Breslin, 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-AD24

**2473. + ALCOHOL FUELS**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.301

**Legal Deadline:** None

**Abstract:** On October 12, 1990 (55 FR 41556) the agency published an ANPRM concerning possible specialized fuel integrity requirements for vehicles using alcohol fuels. This action proposes to amend standard 301 to establish anti-siphoning requirements for alcohol fuel vehicles. This includes dedicated, dual, flexible fuel, and variable fuel vehicles. The agency is proposing no further requirements at this time. This action is considered significant due to substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/12/90	55 FR 41556
ANPRM Comment Period End	12/11/90	
NPRM	01/15/92	57 FR 1710
NPRM Comment Period End	03/16/92	
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 01/15/92 (57 FR 1710)

**Agency Contact:** Gary Woodford, General Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration,



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400 Seventh Street SW., Washington, DC 20590, 202 366-4804

RIN: 2127-AD47

**2474. + WHEELCHAIR SECUREMENT DEVICES**

**Significance:** Agency Priority

**Legal Authority:** 15 USC 1392; 15 USC 1407; PL 101-336 Americans with Disabilities Act

**CFR Citation:** 49 CFR 571.222

**Legal Deadline:** None

**Abstract:** This action would establish requirements for wheelchair tie-downs in schoolbuses in response to a petition for rulemaking from Lyle Stephens and Debra Simms. Petition was granted. The project is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Rulemaking	03/01/90	55 FR 7346
Petition Granted		
NPRM	09/24/91	56 FR 48140
NPRM Comment Period End	11/25/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/24/91 (56 FR 48140)

**Additional Information:** A Notice announced availability of a research report on the state-of-the-art in wheelchair securement and occupant restraints on schoolbuses and requested comments (05/30/90, 55 FR 21891).

**Agency Contact:** Dr. Patricia Breslin, 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-AD51

**2475. PROPOSED NEW STANDARD 135; PASSENGER-CAR BRAKE SYSTEM**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.105; 49 CFR 571.135

**Legal Deadline:** None

**Abstract:** This rulemaking to establish a new standard for passenger-car brake systems grew out of NHTSA's efforts to harmonize its standards with international ones. After review of comments to the NPRM and SNPRM, a second SNPRM proposed refined and revised test procedures and performance requirements which should achieve harmonization while being fully consistent with the National Traffic and Motor Vehicle Safety Act. The new standard 135 would replace standard 105 as it applies to passenger cars. This action was originally considered significant, but subsequent events have resulted in fewer issues to be resolved, and this project is no longer considered as such.

**Timetable:**

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
Correction to NPRM for RIN AC63	06/20/85	50 FR 25612
NPRM Comment Period	09/17/85	50 FR 37702
Extended to	01/13/86	
NPRM Comment Period End	10/07/85	50 FR 19744
SNPRM; Comment Period End	01/14/87	52 FR 1474
Second SNPRM; Comment Period	07/03/91	56 FR 30528
Extended to	10/31/91	
Second SNPRM; Comment Period	10/25/91	56 FR 55266
Extended to	01/10/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Analysis:** Regulatory Evaluation 07/03/91 (56 FR 30528)

**Additional Information:** Docket No. 85-06. RIN AC63, Passenger-Car Brake Systems has been consolidated into this rulemaking.

**Agency Contact:** Dr. Patricia Breslin, 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-AA13

**2476. CHILD RESTRAINT SYSTEMS FOR NEWBORN AND VERY SMALL CHILDREN**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** This action responds to a petition to amend the standard to provide specific requirements for restraints to be used by newborn and very small children.

**Timetable:**

Action	Date	FR Cite
NPRM	08/12/91	56 FR 38108
NPRM Comment Period End	09/26/91	
NPRM Docket Reopened; Comment Period	12/06/91	56 FR 63922
Extended to	01/00/92	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/12/91 (56 FR 38108)

**Agency Contact:** Dr. Patricia Breslin, 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-AC87

**2477. IMPORTATION OF MOTOR VEHICLES AND EQUIPMENT SUBJECT TO FEDERAL SAFETY, BUMPER, AND THEFT PREVENTION STANDARDS**

**Significance:** Nonsignificant

**Legal Authority:** PL 100-562

**CFR Citation:** 49 CFR 591

**Legal Deadline:** None

**Abstract:** The partial final rulemaking action, in response to the original NPRM, requires that persons (other than original motor vehicle manufacturers who certify compliance with the safety standards) who wish to



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import nonconforming vehicles or equipment for research, investigation studies, demonstrations or training, or competitive racing events submit in advance of importation information supporting a request for admission and obtain a letter of permission from NHTSA. Upon further evaluation, an SNPRM proposed further amendment to require that importers required to furnish bonds upon importation of nonconforming vehicles be permitted, as an alternative to sureties, to furnish cash deposits or obligations. The SNPRM proposal would also allow importation of vehicles less than 25 years old for study under certain conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/91	56 FR 3236
NPRM Comment Period End	04/01/91	
Partial Final Rule Effective 02/18/92	01/17/92	57 FR 2043
SNPRM Final Rule Amendments	01/17/92	57 FR 2071
Partial Final Rule Clarification	06/30/92	57 FR 29042
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 01/17/92 (57 FR 2043)

**Agency Contact:** Taylor Vinson, Senior Staff Attorney, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5263

**RIN:** 2127-AD00

#### 2478. AUTOMATIC BRAKE ADJUSTERS FOR HEAVY DUTY VEHICLES

**Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1497**CFR Citation:** 49 CFR 571.105**Legal Deadline:** None

**Abstract:** This action would require automatic brake adjusters and adjustment indicators on vehicles with air brake systems and automatic brake adjusters on vehicles with hydraulic brake systems.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/91	56 FR 20396
NPRM Comment Period End	06/17/91	
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 05/03/91 (56 FR 20396)

**Agency Contact:** Dr. Patricia Breslin, 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-AD34

#### 2479. "LOCK" CHILD SAFETY SYSTEMS

**Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None

**Abstract:** This supplemental action proposes to require that lap belts or the lap belt portion of lap/shoulder belts be capable of tightly securing child safety seats.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/90	55 FR 30937
NPRM Comment Period End	09/13/90	
SNPRM Comment Period End	12/06/91	56 FR 63914
Final Action	01/21/92	
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 07/30/90 (55 FR 30937)

**Agency Contact:** Dr. Patricia Breslin, 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-AD39

#### 2480. STATE HIGHWAY SAFETY PROGRAMS

**Significance:** Nonsignificant**Legal Authority:** 23 USC 401**CFR Citation:** 23 CFR 1200; 23 CFR 1204; 23 CFR 1205**Legal Deadline:** None

**Abstract:** This notice proposed the establishment of uniform procedures governing approval, implementation, and management of State highway safety programs. It would implement the Department of Transportation rule (49 CFR part 18) concerning the administration of grants with State and local governments, as it applies to highway safety programs, update and codify existing procedures and delete obsolete provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/28/91	56 FR 29598
NPRM Comment Period End	08/12/91	
Final Action	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 06/28/91 (56 FR 29598)

**Agency Contact:** Adele Derby, Associate Administrator, Regional Operations, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2121

**RIN:** 2127-AD55

#### 2481. ISSUANCE, AMENDMENT, AND REVOCATION OF RULES: PROCEDURAL REGULATIONS

**Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1407; 15 USC 1912; 15 USC 1941; 15 USC 1988; 15 USC 2001**CFR Citation:** 49 CFR 553.39**Legal Deadline:** None

**Abstract:** The agency is proposing to amend one provision of the procedural regulations that apply to the issuance, amendment, and revocation of rules under the Motor Vehicle Information and Cost Savings Act and the Motor Vehicle Safety Act. The provision addresses the time within which affected persons may seek judicial



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review of a final rule if a petition for agency reconsideration of that rule has been filed.

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/90	55 FR 45825
NPRM Correction	11/08/90	55 FR 47026
NPRM Comment	12/17/90	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/31/90 (55 FR 45825)

**Agency Contact:** Kenneth Weinstein, Assistant Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5263

**RIN:** 2127-AD78

**2492. DAYTIME RUNNING LAMPS AS AN OPTION**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** Petition for rulemaking was granted to amend Federal Motor Vehicle Safety Standard No. 108 to permit daytime running lamps as an option (permissible) to override conflicting State regulations prohibiting their use.

**Timetable:**

Action	Date	FR Cite
NPRM	08/12/91	56 FR 38100
NPRM Comment	10/11/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation  
08/12/91 (56 FR 38100)

**Agency Contact:** Dr. Patricia Breslin, 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-AD84

**2483. IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.203

**Legal Deadline:** None

**Abstract:** This notice solicited comments on a proposal to upgrade the reference to the Society of Automotive Engineers (SAE) recommended practice J944, from the December 1985 version to the June 1980 version as it applies to the body block test device. This action would clarify the positioning of the torso-shaped body block for compliance testing.

**Timetable:**

Action	Date	FR Cite
NPRM	06/06/91	56 FR 26046
NPRM Comment	07/22/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/06/91 (56 FR 26046)

**Agency Contact:** Dr. Patricia Breslin, 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-AD87

**2484. VEHICLE-BASED ROADWAY ILLUMINATION PERFORMANCE REQUIREMENTS - REPLACEABLE LIGHT SOURCE**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** The NPRM proposal for a roadway illumination system to serve as a vehicle-based alternative to existing equipment-based headlighting systems will not proceed at this time. Instead, the SNPRM proposed minimum

photometric values for certain lower beam test points and test zones above the horizontal where only photometric maxima are presently specified, so as to maintain headlighting systems' ability to illuminate overhead traffic signs. The SNPRM also proposed to ensure that replaceable light sources intended for replacement purposes, other than the HB types presently incorporated, would have the dimensions and performance of the original replaceable light source and would require the manufacturers of such light sources to file dimensional information with NHTSA in a public docket pursuant to a new regulation, proposed part 584, "Replaceable Light Source Dimensional Information."

**Timetable:**

Action	Date	FR Cite
NPRM	05/09/89	54 FR 20084
NPRM Comment	11/09/89	
Period End		
SNPRM	10/18/91	56 FR 52242
Comment		
Period End	12/17/91	
SNPRM	12/13/91	56 FR 65038
Comment		
Period		
Extended to	03/16/92	
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/18/91 (56 FR 52242)

**Additional Information:** In response to comments received concerning the NPRM (RIN 2127-AB87), the agency has initiated additional research concerning the vehicle-based roadway illumination performance requirements.

**Agency Contact:** Dr. Patricia Breslin, 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-AE07

**2485. TIRE SELECTION AND RIMS FOR MOTOR VEHICLES OTHER THAN PASSENGER CARS**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407



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**CFR Citation:** 49 CFR 571.120

**Legal Deadline:** None

**Abstract:** This action would amend standard 120 to clarify the requirement that vehicle manufacturers who place a standard 120 tire information label on a multipurpose passenger vehicle, truck, bus or trailer, recommending the use of a passenger car tire on the vehicle, must specify a recommended tire inflation pressure that reflects a 1.10 reduction in load carrying capability of such a tire for any given inflation pressure.

**Timetable:**

Action	Date	FR Cite
NPRM	10/29/91	56 FR 55650
NPRM Comment	12/13/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/29/91 (56 FR 55650)

**Agency Contact:** Dr. Patricia Breslin, 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-AE09

**2486. WINDSHIELD WIPING AND WASHING SYSTEMS DEFINITIONS: SEATING REFERENCE POINT**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.104; 49 CFR 571.36

**Legal Deadline:** None

**Abstract:** The final action redefining the "seating reference point" location makes it necessary to change the windshield wiping and washing standard also, since it requires substitution of this term for others in determining visibility requirements for the driver, which will now be done in positions other than the rear-most position.

**Timetable:**

Action	Date	FR Cite
NPRM	08/12/91	56 FR 38099
NPRM Comment	10/11/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/12/91 (56 FR 38099)

**Additional Information:** The companion rulemaking, Seating Reference Point/Motor Vehicle Driver's Eye Range, was a completed action 08/12/91 (56 FR 38084).

**Agency Contact:** Dr. Patricia Breslin, 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-AE11

**2487. ADJUSTMENT PROCEDURE FOR BURNISH AND RECOVERY**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.121

**Legal Deadline:** None

**Abstract:** This action responds to a petition for rulemaking requesting that the agency amend two aspects of standard 121: the adjustment procedure for brake burnish during road testing and the recovery requirement for truck and bus front brakes. Petition was granted.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/91	56 FR 66395
NPRM Comment	03/09/92	
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/23/91 (56 FR 66395)

**Agency Contact:** Dr. Patricia Breslin, 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-AE15

**2488. INSURANCE COST INFORMATION**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1941(e)

**CFR Citation:** 49 CFR 582

**Legal Deadline:** None

**Abstract:** This action proposed to require automobile dealers to make available insurance collision loss experience information compiled by the Highway Loss Data Institute (HLDI) to prospective purchasers of passenger vehicles. The amendment would assist prospective purchasers in comparing differences in various vehicles' collision loss experience that could affect insurance costs.

**Timetable:**

Action	Date	FR Cite
NPRM	11/07/91	56 FR 56963
NPRM Comment	12/23/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 11/07/91 (56 FR 56963)

**Agency Contact:** Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0845

**RIN:** 2127-AE18

**2489. SEAT ADJUSTMENT POSITION**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.210

**Legal Deadline:** None

**Abstract:** The agency solicited comments on a proposal to amend the performance requirements of the standard to provide that the lap belt angle would be measured for rear adjustable seats with the seats in the rear-most adjustment position. This proposal is intended to resolve ambiguities regarding the seat



## DOT—NHTSA

## Final Rule Stage

adjustment position for the current requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	12/04/91	56 FR 63473
NPRM Correction	12/17/91	56 FR 65541
NPRM Comment	02/03/92	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
12/04/91 (56 FR 63473)

**Agency Contact:** Dr. Patricia Breslin,  
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-AE22

#### 2490. CERTIFICATION REQUIREMENTS OF MULTISTAGE VEHICLES

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC  
1397; 15 USC 1401; 15 USC 1403; 15 USC  
1912; 15 USC 1915; 15 USC 2021; 15 USC  
2022; 15 USC 2026

**CFR Citation:** 49 CFR 567; 49 CFR 568;  
49 CFR 1.50

**Legal Deadline:** None

**Abstract:** This action proposed to  
amend the certification requirement  
that applies to incomplete vehicles  
other than chassis-cabs. Incomplete  
vehicles are vehicles that include at  
least a frame and chassis structure,  
power train, steering system,  
suspension system, and brake system,  
but need further manufacturing  
performed on them to become  
completed vehicles. This action would  
extend the certification requirements  
currently applying to chassis-cabs to all  
types of incomplete vehicles.

**Timetable:**

Action	Date	FR Cite
NPRM	12/03/91	56 FR 61392
NPRM Comment	01/31/92	
Period End		
NPRM Comment	02/03/92	57 FR 3983
Period Extended to	03/02/92	

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
12/03/91 (56 FR 61392)

**Agency Contact:** Dr. Patricia Breslin,  
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-AE27

#### 2491. BUILT-IN CHILD RESTRAINTS

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC  
1407

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** This action proposes  
amendments to standard 213 to: expand  
the definition of a built-in child  
restraint system, amend the application  
section so that the standard applies to  
motor vehicles that are manufactured  
with a built-in restraint system, and  
respond to a rulemaking petition to  
simplify the labeling requirements for  
built-in restraints.

**Timetable:**

Action	Date	FR Cite
NPRM	01/09/92	57 FR 870
NPRM Comment	03/09/92	
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
01/09/92 (57 FR 870)

**Agency Contact:** Dr. Patricia Breslin,  
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-AE28

#### 2492. ● MOTORCYCLE TURN SIGNAL LAMP SPACING REQUIREMENT

**Significance:** Nonsignificant

**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 rulemaking petition was  
granted to consider removal of the  
requirement of a four-inch minimum  
edge-to-edge separation distance  
between a motorcycle rear turn signal  
lamp and the tail or stop lamp.

**Timetable:**

Action	Date	FR Cite
NPRM	04/28/92	57 FR 17871
NPRM Comment	06/12/92	
Period End		
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/28/92 (57 FR 17871)

**Agency Contact:** Dr. Patricia Breslin,  
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-AE35

#### 2493. ● ALLOW OPTICAL DESIGNATIONS

**Significance:** Nonsignificant

**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 rulemaking petition was  
granted to consider an alternate lens  
marking for smaller and larger round  
sealed beam headlamps than presently  
exists. The petitioner claims that the  
new system will provide safer  
headlamps for restored cars and that  
there is no additional cost involved.

**Timetable:**

Action	Date	FR Cite
NPRM	07/08/92	57 FR 30189
NPRM Comment	09/08/92	
Period End		
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
07/08/92 (57 FR 30189)

**Agency Contact:** Dr. Patricia Breslin,  
Director, Office of Vehicle Safety  
Standards, Department of  
Transportation, National Highway  
Traffic Safety Administration, 400



DOT—NHTSA

Final Rule Stage

Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE38

**2494. ● NEW REPLACEABLE HEADLAMP BULB (TYPE H-7)**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, this action proposed an additional type of standardized replaceable light source to be used in replaceable bulb headlamp systems on motor vehicles. It incorporates a single filament, and would be known as Type HB6.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/92	57 FR 32942
NPRM Comment	09/08/92	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/24/92 (57 FR 32942)

**Agency Contact:** Dr. Patricia Breslin, 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-AE37

**2495. ● WHEEL NUTS, WHEEL DISCS, AND HUB CAPS**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.211

**Legal Deadline:** None

**Abstract:** This notice implements the agency's granting of a petition for rulemaking to permit wheel nuts, wheel

discs, and hub caps with winged projections if, when the wheel nuts, wheel discs, or hub caps are installed on the wheel rim, the projections do not extend outward beyond the plane tangent to the outside of the wheel rim.

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/92	57 FR 24207
NPRM Comment	08/07/92	
Period End		
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/08/92 (57 FR 24207)

**Agency Contact:** Dr. Patricia Breslin, 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-AE41

**2496. ● PENALTY PROVISIONS UNDER 23 USC 153**

**Significance:** Nonsignificant

**Legal Authority:** 23 USC 153

**CFR Citation:** 23 CFR 1200; 23 CFR 1204; 23 CFR 1205

**Legal Deadline:** None

**Abstract:** This notice proposes to implement the penalty provisions contained in section 153 of Title 23, USC, Intermodal Surface Transportation Efficiency Act of 1991. That section provides that a State that fails to adopt and put into effect motorcycle helmet and safety belt use law before the first day of FY 1994 (October 1, 1993) is subject to a penalty of having the Secretary of Transportation transfer funds from that State's Federal-aid highway and highway safety construction type programs to that State's apportionment under the section 402 safety program. This proposed rule sets forth the criteria to be used to determine a State's compliance or non-compliance with the Act and proposes

the mechanism by which the agency will inform states of their compliance status.

**Timetable:**

Action	Date	FR Cite
NPRM	09/01/91	56 FR 29598
NPRM Comment	10/01/91	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Paul Jackson Rica, Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9511

RIN: 2127-AE50

**2497. ● TEST FOR BRAKE HOSE TUBING ASSEMBLIES**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.106

**Legal Deadline:** None

**Abstract:** A rulemaking petition was granted to propose to remove the applicability of the hot oil immersion test to coiled tubing assemblies.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/92	57 FR 38654
NPRM Comment	09/25/92	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/26/92 (57 FR 38654)

**Agency Contact:** Dr. Patricia Breslin, 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-AE58



**DEPARTMENT OF TRANSPORTATION (DOT)**  
**National Highway Traffic Safety Administration (NHTSA)**
**Completed Actions****2498. + CHILD SAFETY SEAT REGISTRATION****Significance:** Agency Priority**Legal Authority:** 15 USC 1392; 15 USC 1407**CFR Citation:** 49 CFR 571.213**Legal Deadline:** None

**Abstract:** The Center for Auto Safety petitioned for rulemaking to amend FMVSS No. 213, Child Seating Systems, to require manufacturers of child restraints to maintain the names and addresses of owners of child safety seats. The purpose of this registration is to enable manufacturers to directly contact owners of seats in case of recall. The amendment was adopted. This rulemaking was significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	02/19/91	56 FR 6603
NPRM Comment Period End	04/22/91	
Final Action	09/10/92	57 FR 41428
Final Action Effective	03/09/96	

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 09/10/92 (57 FR 41428)

**Agency Contact:** Dr. Patricia Breslin, 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-AD48**2499. + DRUG OFFENDER'S LICENSE SUSPENSION CERTIFICATION****Significance:** Agency Priority**Legal Authority:** PL 101-516**CFR Citation:** 23 CFR 1212**Legal Deadline:** None

**Abstract:** This action would implement a new program enacted by the Department of Transportation and Related Agencies Appropriations Act of FY 1991. Section 333 of the Act requires the withholding of certain Federal-aid highway funds from States that do not enact legislation requiring the revocation or suspension of an individual's driver's license upon conviction for any violation of the

Controlled Substances Act or any drug offense. This action set forth the manner in which States must certify that they are not subject to this withholding, and the disposition of funds that are withheld. It is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/91	56 FR 50536
NPRM Correction	11/06/91	56 FR 56692
NPRM Comment Period End	11/21/91	
Final Action	08/12/92	57 FR 35989
Final Action Effective	09/11/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Public Compliance Cost:** Initial Cost: \$7,200,000; Yearly Recurring Cost: \$7,200,000; Base Year for Dollar Estimates: 1994

**Analysis:** Regulatory Impact Analysis; Regulatory Evaluation 08/12/92 (57 FR 35989)

**Agency Contact:** Bill Holden, Highway Safety Specialist, Traffic Safety Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2722

**RIN:** 2127-AE10**2500. ● + SIDE DOOR STRENGTH****Significance:** Agency Priority**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.214**Legal Deadline:** None

**Abstract:** The agency granted a petition for reconsideration requesting that the effective date of the new quasi-static side door strength requirements be phased in. This final action established a brief phase-in period and delayed by one year the effective date for double-opening cargo doors, doors with no windows, and certain contoured doors. A phase-in exclusion was adopted for vehicles manufactured in two or more stages and for altered vehicles. This action was considered significant because it related to an earlier major rule.

**Timetable:**

Action	Date	FR Cite
Final Action	07/13/92	57 FR 30917
Final Action Effective	09/01/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/13/92 (57 FR 30917)

**Additional Information:** The final rule reconsidered here was published in the Federal Register 08/14/91 (56 FR 27427).

**Agency Contact:** Dr. Patricia Breslin, 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-AE32**2501. AIR-BRAKE SYSTEMS, SUPPLEMENTAL CONNECTOR****Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.121**Legal Deadline:** None

**Abstract:** This final action determined that trailer antilock brake systems may be powered by either the stop lamp circuit or a separate circuit. Also, a trailer antilock brake system must automatically receive power from the stop lamp circuit if the separate circuit or circuits are not in use.

**Timetable:**

Action	Date	FR Cite
Petition Granted by Letter	03/17/88	
Request for Comments	10/12/88	53 FR 39751
NPRM	05/03/91	56 FR 20401
NPRM Comment Period End	07/02/91	
Final Action	07/13/92	57 FR 30911
Final Action Effective	08/12/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/13/92 (57 FR 30911)

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway



## DOT—NHTSA

## Completed Actions

Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AC80

### 2502. PEDESTRIAN HEAD-PROTECTION STANDARD

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** This action considered modification of the vehicle hood structure to reduce pedestrian head injuries. However, analyses demonstrated no discernible safety benefits and the project was terminated.

**Timetable:**

Action	Date	FR Cite
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Action	06/19/92	
Terminated		

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, 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-AC90

### 2503. AIR-BRAKE SYSTEMS; PNEUMATIC TIMING REQUIREMENTS

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571

**Legal Deadline:** None

**Abstract:** The NPRM proposed to require for towing vehicles that actuation at the interface between towing vehicles and trailers be at least as fast as actuation at the towing vehicle brake chambers; however, review of comments determined the requirement would lead to loss of manufacturing flexibility by requiring more custom design at unjustified additional cost. Therefore, that portion of this project was terminated in the SNPRM. In that same document, different requirements were proposed concerning control line pressure

differential. The final action amended the pneumatic timing requirements as to control line pressure balance by adopting a new dynamic test procedure for determining the control signal pressure differential.

**Timetable:**

Action	Date	FR Cite
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NPRM	05/03/89	54 FR 18912
NPRM Comment	07/03/89	
Period End		
NPRM Comment	07/21/89	54 FR 30571
Period		
Extended;		
Comment		
Period End		
	10/03/89	
SNPRM;	03/15/91	56 FR 11150
Comment		
Period End		
	04/29/91	
Final Action	08/21/92	57 FR 37902
Final Action	08/23/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/21/92 (57 FR 37902)

**Agency Contact:** Dr. Patricia Breslin, 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-AD27

### 2504. CHILD RESTRAINT WARNING LABELS

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571.213

**Legal Deadline:** None

**Abstract:** The Center for Auto Safety was granted a petition for rulemaking to amend FMVSS 213. Child Seating Systems, to delete Section S5.5.2(i), which allowed the use of warning labels to notify consumers of adjustment positions which should not be used in an automobile. This final action will prevent child-seat manufacturers from resorting to using warning labels to permit adjustments to dangerous positions as long as the seat has a label warning consumers not to do so.

**Timetable:**

Action	Date	FR Cite
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NPRM	08/12/91	56 FR 38105
NPRM Comment	09/26/91	
Period End		
Final Action	09/10/92	57 FR 41423
Final Rule	10/01/92	57 FR 45422
Correction		
Final Action	03/09/93	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/10/92 (57 FR 41423)

**Agency Contact:** Dr. Patricia Breslin, 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-AD45

### 2505. CREATE A NEW CATEGORY, AS-15B - TEMPERED GLASS-PLASTIC

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1407

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** This action permits a new item of glass-plastic, Item 15B, tempered glass-plastic glazing, to be used anywhere in a motor vehicle, excluding the windshield. However, there was insufficient data to support removal of Test No. 1 for Item 3 glazing and action on that issue was deferred.

**Timetable:**

Action	Date	FR Cite
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NPRM	10/11/89	54 FR 41632
NPRM Comment	11/27/89	54 FR 41632
Period End		
SNPRM;	04/23/91	56 FR 18559
Comment		
Period End		
	06/24/91	
Final Action	07/08/92	57 FR 30161
Final Rule	07/16/92	57 FR 31563
Correction		
Final Action	08/07/92	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/08/92 (57 FR 30161)



DOT—NHTSA

Completed Actions

**Additional Information:** The NPRM of 10/11/89 was for RIN 2127-AC38 and is inserted here as background since it discussed the basis for not including the tempered version in that other rulemaking, which was completed (04/23/91, 56 FR 18526).

**Agency Contact:** Dr. Patricia Breslin, 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-AD75

**2506. HEADLIGHTING SYSTEM; COMBINATIONS**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.108

**Legal Deadline:** None

**Abstract:** In response to a petition for rulemaking, this action amended standard 108 to allow the mixing of headlamps from sealed beam system, integral beam system, and replaceable bulb system on a single vehicle as long as the photometric and other requirements pertinent to the system chosen are met.

**Timetable:**

Action	Date	FR Cite
NPRM	09/19/91	56 FR 47436
NPRM Comment Period End	11/18/91	
Final Action	07/23/92	57 FR 32738
Final Action Effective	08/24/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/23/92 (57 FR 32738)

**Agency Contact:** Dr. Patricia Breslin, 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-AD98

**2507. POWER-OPERATED WINDOWS**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.118

**Legal Deadline:** None

**Abstract:** In response to petitions for reconsideration of a final rule published April 16, 1991 (56 FR 15290), this final rule provides additional flexibility to manufacturers, clarifies the requirements, and delays one year the effective date for the extension of the standard to cover power-operated roof panels.

**Timetable:**

Action	Date	FR Cite
Final Action	06/05/92	57 FR 23958
Final Action Correction	06/23/92	57 FR 28012
Final Action Effective	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/05/92 (57 FR 23958)

**Agency Contact:** Dr. Patricia Breslin, 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-AE14

**2508. INSURER REPORTING REQUIREMENTS; LIST OF INSURERS REQUIRED TO FILE REPORTS**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 2023

**CFR Citation:** 49 CFR 544

**Legal Deadline:** NPRM, Statutory, October 25, 1991.

**Abstract:** Title VI of the Motor Vehicle Information and Cost Savings Act requires certain passenger motor vehicle insurers to file annual reports with the agency regarding motor vehicle thefts and recoveries unless the agency exempts them from filing such reports. The agency has exempted all those companies that are statutorily eligible to be exempted and published a listing of those companies that are required to file annual reports. This action updates the list of companies subject to the reporting requirements, to reflect changing market conditions.

**Timetable:**

Action	Date	FR Cite
NPRM	10/16/91	56 FR 51871
NPRM Comment Period End	12/02/91	
Final Action	06/04/92	57 FR 23535
Final Action Effective	07/06/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/04/92 (56 FR 23535)

**Agency Contact:** Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4808

RIN: 2127-AE23

**2509. SCHOOL BUS PEDESTRIAN SAFETY DEVICES**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.131

**Legal Deadline:** None

**Abstract:** This action responded to petitions for reconsideration of the final rule published on May 3, 1991 (56 FR 20363) requiring stop signal arms on all new school buses produced on or after September 1, 1992. The amendment adopted requires the stop signal arm to be aligned relative to the lower edge of the passenger window. In meeting the conspicuity requirement, the flash rate was amended to more closely correlate to the most recent recommended practice of the Society of Automotive Engineers. It was decided not to extend the standard to replacement parts.

**Timetable:**

Action	Date	FR Cite
Final Action	09/02/92	57 FR 40131

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400



DOT—NHTSA

Completed Actions

Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE33

**2510. ● CLAMPING OF GLASS-PLASTIC GLAZING**

**Significance:** Nonsignificant

**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

**CFR Citation:** 49 CFR 571.205

**Legal Deadline:** None

**Abstract:** In response to a petition for reconsideration of a final rule published March 27, 1991 (56 FR 12669), this final

rule will permit, at the option of the manufacturer, specimen clamping of glass-plastic glazing in two other drop tests, Test 9 (that determines the behavior of the glazing under impact from a small hard object) and Test 12 (that determines whether the glazing has a certain minimum strength and is properly made).

**Timetable:**

Action	Date	FR Cite
Final Action	04/17/92	57 FR 13654
Final Action Effective	05/18/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/17/92 (57 FR 13654)

**Agency Contact:** Dr. Patricia Breslin, 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-AE45

**DEPARTMENT OF TRANSPORTATION (DOT)  
Federal Railroad Administration (FRA)**

Prerule Stage

**2511. + SPECIAL SAFETY INQUIRY; RAILROAD REPORTING REQUIREMENTS**

**Significance:** Agency Priority

**Legal Authority:** 45 USC 431

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This special inquiry will examine current railroad safety reporting requirements to determine whether the reporting process results in accurate and significant data. Methods of improving this process will be explored. This rulemaking is considered significant because of its safety implications.

**Timetable:**

Action	Date	FR Cite
Notice of Hearing	03/14/90	55 FR 9532

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** A Notice of Special Safety Inquiry appeared in the Federal Register 11/03/89 (54 FR 46497). However, it was subsequently postponed (55 FR 792) in order to be rescheduled to take place concurrently with a related hearing in the separate rulemaking on accident reporting requirements (RIN 2130-AA58). The rescheduled hearing took place in Washington, DC on 05/18/90.

**Agency Contact:** Billie Stultz, Trial Attorney, Office of Chief Counsel,

Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA56

**2512. ● + WHISTLE BANS AT HIGHWAY-RAIL GRADE CROSSINGS**

**Significance:** Agency Priority

**Legal Authority:** 45 USC 431; 45 USC 437; 45 USC 438; 45 USC 38; 45 USC 42

**CFR Citation:** 49 CFR 234; 49 CFR 1.49(f); 49 CFR 1.49(g); 49 CFR 1.49(m)

**Legal Deadline:** None

**Abstract:** FRA is soliciting comments and suggestions from the public regarding Federal regulations governing the use of train whistles at grade crossings. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation

**Agency Contact:** Mark H. Tessler, Trial Attorney, Department of Transportation, Federal Railroad

Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0628

RIN: 2130-AA71

**2513. ● + POWER BRAKE REGULATIONS; MISCELLANEOUS REVISIONS**

**Significance:** Agency Priority

**Legal Authority:** 45 USC 1 to 14; 45 USC 16

**CFR Citation:** 49 CFR 232

**Legal Deadline:** None

**Abstract:** The regulation will address issues regarding existing power brake regulations and the lack of standards for locomotive dynamic brakes. The proceeding will focus on such issues as whether to mandate the use of end-of-train devices in lieu of cabooses, whether these devices should be two-way, and whether to require additional testing of train air brake systems during extremely cold weather conditions. This rulemaking is considered significant because of its safety implications.

**Timetable:**

Action	Date	FR Cite
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ANPRM 12/00/92

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Impact Analysis

**Agency Contact:** Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad



DOT—FRA

Prerule Stage

Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0628

RIN: 2130-AA73

2514. ● + TRACK SAFETY STANDARDS

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 213

Legal Deadline: None

**Abstract:** The track regulations have not been comprehensively reviewed in the past decade. This regulatory action will consist of a revision of existing track safety standards. With this revision, FRA will respond to a Brotherhood of Maintenance of Way petition regarding numerous changes to the existing track standards. FRA will also incorporate input from research on internal rail defects and continuous welded rail. This rulemaking is significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Analysis:** Regulatory Impact Analysis

**Agency Contact:** Nancy Lummen Lewis, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA75

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Federal Railroad Administration (FRA)

2515. + RAILROAD ACCIDENT REPORTING

Significance: Agency Priority

Legal Authority: 45 USC 431

CFR Citation: 49 CFR 225

Legal Deadline: None

**Abstract:** FRA is drafting proposed rules based on comments and suggestions from the public regarding methods of improving FRA's injury and accident reporting system. This rulemaking is considered significant because of its safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/14/90	55 FR 9469
Hearing Notice	03/14/90	55 FR 9532
ANPRM	05/25/90	
Comment Period End		
Notice of Open Meeting in Washington, DC on	06/05/91	56 FR 25651
Notice of Open Meeting in Washington, DC on	08/15/91	56 FR 40593
Notice of Open Meeting in Washington, DC on	10/18/91	56 FR 52241
Notice of open meeting in Washington, DC on	08/06/92	57 FR 34756
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Public hearing was held in Washington, DC on 05/17/90.

**Agency Contact:** Sarah Landise, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA58

2516. + ALCOHOL/DRUG REGULATIONS; MISCELLANEOUS TECHNICAL AMENDMENTS AND CORRECTIONS

Significance: Agency Priority

Legal Authority: 45 USC 431 et seq The Federal Railroad Safety Act

CFR Citation: 49 CFR 219; 49 CFR 217

Legal Deadline: None

**Abstract:** The action would make technical amendments/corrections to regulations concerning the control of alcohol and drug use in railroad operations. This action is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** FRA published notice of a proposed test program (05/17/91, 56 FR 22905) to permit an experimental group of railroads to test

at a yearly rate of 25 percent of covered service employees, for comparison with a control group testing at the current 50 percent yearly rate, to determine the effect of different testing rates on deterrence. The test program was subsequently extended 07/02/92 (57 FR 29550) until 07/01/93.

**Agency Contact:** Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4002

RIN: 2130-AA63

2517. + ANNUAL REPORTING REQUIREMENTS; AMENDMENTS TO ALCOHOL/DRUG REGULATIONS

Significance: Agency Priority

Legal Authority: 45 USC 431 et seq

CFR Citation: 49 CFR 217; 49 CFR 219

Legal Deadline: None

**Abstract:** This action would amend and expand the current annual reporting requirements for data concerning control of alcohol and drug abuse in railroad operations. The proposed standard format for reporting is designed to elicit data in a manner compatible with related reporting requirements that would be embodied in the antidrug programs applicable to other transportation industries. This action is necessary to provide comparable data for inclusion in a management information system designed to determine effectiveness of antidrug programs, and is significant because of substantial public interest.



DOT-FRA

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Agency Contact:** Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0400

RIN: 2130-AA64

**2518. ● + FREIGHT CAR SAFETY STANDARDS: MAINTENANCE-OF-WAY EQUIPMENT****Significance:** Agency Priority**Legal Authority:** 45 USC 431; 45 USC 438, as amended**CFR Citation:** 49 CFR 215**Legal Deadline:** None**Abstract:** The Federal Railroad Administration is proposing to amend the freight car safety standards by making all maintenance-of-way vehicles subject to the standards with the exception of stenciled cars not used in revenue service and restricted to a speed of less than 20 miles per hour. This action is considered significant because of substantial public interest.**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses.**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Agency Contact:** Kyle M. Mulhall, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh St. SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA68

**2519. ● + RAILROAD POLICE OFFICERS****Significance:** Agency Priority**Legal Authority:** 45 USC 446; PL 101-647**CFR Citation:** 49 CFR 207**Legal Deadline:** None**Abstract:** This proposed regulation would implement section 1704 of the Crime Control Act of 1990, whereby Congress expanded the authority of railroad police officers to include enforcement power in every State where those officers may operate for the purpose of protecting railroad property, personnel, passengers, and cargo. Under the proposed regulation, railroad police officers commissioned in any State may enforce laws in every State where the employing railroad owns property, provided the railroad advises every State where those officers may operate.

This rulemaking is considered significant because of its impact on railroad police officer authority and possible federalism implications.

**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** None**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 10/00/92**Agency Contact:** Nancy Lewis, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh St. SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA69

**2520. ● + TIMELY RESPONSE TO GRADE CROSSING AND SIGNAL SYSTEM MALFUNCTIONS****Significance:** Agency Priority**Legal Authority:** 45 USC 431; 45 USC 437; 45 USC 438; 45 USC 38; 45 USC 42**CFR Citation:** 49 CFR 234; 49 CFR 1.49(f); 49 CFR 1.49(g); 49 CFR 1.49(m)**Legal Deadline:** None**Abstract:** FRA proposes to require that railroads take specific and timely actions to protect the travelling public and railroad employees from the hazards posed by malfunctioning highway-rail grade crossing warning systems.

This action is considered significant because of its railroad safety issues.

**Timetable:**

Action	Date	FR Cite
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NPRM 06/29/92 57 FR 28819

NPRM Comment 08/12/92 57 FR 36054

Period  
Extended to  
09/25/92

NPRM Comment 09/25/92 57 FR 44355

Period  
Extended

NPRM Comment 12/01/92

Period End

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Agency Contact:** Mark H. Tessler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0628

RIN: 2130-AA70

**2521. + CONTROL OF ALCOHOL AND DRUG USE****Significance:** Agency Priority**Legal Authority:** 45 USC 431; 45 USC 437 to 438; PL 100-342; PL 102-143**CFR Citation:** 49 CFR 219; 49 CFR 1.49(m)**Legal Deadline:** Final, Statutory, October 28, 1992.

Omnibus Transportation Employee Act of 1991

**Abstract:** FRA will propose to amend and expand its existing regulations regarding control of alcohol and drug use in railroad operations by incorporating new requirements, procedures, and safeguards with respect to breath and body-fluid testing for alcohol. This action is considered significant because of substantial public interest.**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Analysis:** Regulatory Impact Analysis; Regulatory Evaluation 10/00/92**Agency Contact:** Patricia V. Sun, Department of Transportation, Federal Railroad Administration, 400 Seventh



DOT—FRA

Proposed Rule Stage

Street SW., Washington, DC 20590, 202 366-4002

RIN: 2130-AA72

### 2522. + QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS

**Significance:** Agency Priority

**Legal Authority:** 45 USC 431; 45 USC 438; PL 100-342 Rail Safety Improvement Act of 1988

**CFR Citation:** 49 CFR 240

**Legal Deadline:** Final, Statutory, June 22, 1989.

**Abstract:** FRA has been petitioned to reconsider several aspects of its final rule on locomotive engineer qualifications. Some technical changes requested in those petitions are warranted and the final rule will be amended to resolve these issues. Two issues involving coverage of the rule need more public discussion prior to resolution. An NPRM will be issued to afford an opportunity for public comment. This rulemaking is significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Additional Information:** This rulemaking will amend the final rule issued on 06/19/91 (56 FR 28228).

**Agency Contact:** Lawrence I. Wagner, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0631

RIN: 2130-AA74

### 2523. ● + RAILROAD OPERATING RULES AND RADIO STANDARDS AND PROCEDURES

**Significance:** Agency Priority

**Legal Authority:** 45 USC 431; 45 USC 437; 45 USC 438

**CFR Citation:** 49 CFR 217; 49 CFR 220

**Legal Deadline:** None

**Abstract:** FRA proposes to amend the Railroad Operating Rules and Radio

Standards and Procedures by removing requirements that railroads file operating rules, radio rules, and certain other documents with the Federal Railroad Administration and by substituting requirements that will enable the railroads to maintain records of such documents and make them available to FRA representatives during regular business hours. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Impact Analysis; Regulatory Evaluation 10/00/92

**Agency Contact:** Jon Kaplan, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA76

### 2524. ● + PROTECTION OF UTILITY EMPLOYEES

**Significance:** Agency Priority

**Legal Authority:** 45 USC 431; 45 USC 438; PL 100-342

**CFR Citation:** 49 CFR 218

**Legal Deadline:** None

**Abstract:** FRA regulations prescribe minimum requirements for certain railroad operating rules and practices, including blue signal protection of railroad employees engaged in the inspection, testing, repair and servicing of rolling equipment. Such activities may require employees to work on, under, or between such equipment and subject them to the danger of personal injury posed by any movement of such equipment. Train and yard crews are excluded from blue signal protection, unless assigned to perform such work on railroad rolling equipment that is not part of the train or yard movement and that they have been called to operate. FRA proposes to restate the exclusionary language to accommodate augmentation of a crew by using a "utility" employee which will permit increased efficient use of employees by the railroads. Alternative safety procedures are proposed to prevent injury. This action is considered

significant because of substantial public interest for safety of railroad employees.

**Timetable:**

Action	Date	FR Cite
NPRM	09/10/92	57 FR 51454
NPRM Comment Period End	10/09/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Frank Fanelli, Chief, Operating Practices Division, Department of Transportation, Federal Railroad Administration, Office of Safety Enforcement, 400 Seventh Street SW., Washington, DC 20590, 202 366-9178

RIN: 2130-AA77

### 2525. ● MERGER AND CONSOLIDATION PROCEDURES

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 11346(a)

**CFR Citation:** 49 CFR 268

**Legal Deadline:** None

There is no legal deadline. This is part of the President's Regulatory Review Program.

**Abstract:** This rule will merely delete obsolete regulations to streamline Government regulations in accord with the President's Regulatory Review Program.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** G. Joseph King, Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9416

RIN: 2130-AA78

### 2526. ● REGIONAL LOCAL RAIL SERVICES ASSISTANCE

**Significance:** Nonsignificant



DOT—FRA

Proposed Rule Stage

**Legal Authority:** PL 99-509, Sec 4033(a)(1)

**CFR Citation:** 49 CFR 255

**Legal Deadline:** None

There is no legal deadline. This is part of the President's Regulatory Review Program.

**Abstract:** This rule will merely delete obsolete regulations to streamline Government regulations in accord with

the President's Regulatory Review Program.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** G. Joseph King, Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9416

**RIN:** 2130-AA79

**DEPARTMENT OF TRANSPORTATION (DOT)**

Final Rule Stage

**Federal Railroad Administration (FRA)**

**2527. + EVENT RECORDERS**

**Significance:** Agency Priority

**Legal Authority:** PL 100-342, Rail Safety Improvement Act of 1988; 45 USC 431(m)

**CFR Citation:** 49 CFR 218; 49 CFR 2

**Legal Deadline:** Final, Statutory, December 22, 1989.

**Abstract:** FRA is acting to improve the safety of railroad operations and to enhance the quality of information available for post-accident investigations by requiring event recorders on fast trains, by requiring that event recorders be effectively maintained, and by requiring that the data recorded by event recorders be preserved following a reportable accident.

This project is considered significant because of substantial public interest and safety concerns.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/23/88	53 FR 47557
Public Hearing Held 01/10/89	11/23/88	53 FR 47557
ANPRM Comment Period End	03/13/89	
NPRM	06/18/91	56 FR 27931
Second Public Hearing Scheduled 09/12/91	08/14/91	56 FR 40296
NPRM Comment Period End	09/20/91	
Third Public Hearing; Comment Period Extended to 10/31/91	09/30/91	56 FR 49446

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/18/91 (56 FR 27931)

**Agency Contact:** Rolf Mowatt-Larssen, Chief, Motive Power & Equipment Division, Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4094

**RIN:** 2130-AA53

**2528. CENTRALIZATION OF FORMAL HEARING DOCKETS (FRA)**

**Significance:** Nonsignificant

**Legal Authority:** 45 USC 8; 45 USC 10; 45 USC 13; 45 USC 34; 45 USC 43; 45 USC 64a; 45 USC 431; 45 USC 437 to 439; 49 USC 103(c); 49 USC app 26(h); 49 USC 1655(c); PL 100-342

**CFR Citation:** 49 CFR 209; 49 CFR 1.49 et seq

**Legal Deadline:** None

**Abstract:** This final rule provides that documents and evidence in formal hearing cases adjudicated within the Federal Railroad Administration (FRA) will be filed and maintained in the OST Office of Documentary Services. The change is being made in order to streamline operations and to consolidate the documents used in formal hearing cases.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation

**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

**RIN:** 2130-AA59

**2529. LOCAL RAIL FREIGHT ASSISTANCE TO STATES**

**Significance:** Nonsignificant

**Legal Authority:** PL 101-213 Local Rail Service Reauthorization Act

**CFR Citation:** 40 CFR 266

**Legal Deadline:** None

**Abstract:** FRA is revising the procedures and requirements for the receipt of financial assistance contained in part 266. These changes establish deadlines for submission of project applications for those seeking federal funding to provide local rail freight assistance and impose consequences for failure to expend approved funding. The new deadline for submission of project applications for entitlement and discretionary funding would be October 1 and January 1 of each year, respectively. FRA also is requesting comments on ways to improve the effectiveness of the program while complying with the recent statutory changes concerning administration of the program.

**Timetable:**

Action	Date	FR Cite
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NPRM 11/30/90 55 FR 49648

NPRM Comment 12/31/90 55 FR 49648

Period End

Next Action Undetermined



DOT—FRA

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: State

Sectors Affected: 401 Railroads

Analysis: Regulatory Impact Analysis

Agency Contact: Laurence Fitzgerald,  
Program Analyst, Department ofTransportation, Federal Railroad  
Administration, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-0635

RIN: 2130-AA60

## DEPARTMENT OF TRANSPORTATION (DOT)

## Completed Actions

## Federal Railroad Administration (FRA)

**2530. ● + ALCOHOL/DRUG  
REGULATIONS: POSTPONEMENT OF  
INTERNATIONAL APPLICATION**

Significance: Agency Priority

Legal Authority: 45 USC 431 et seq

CFR Citation: 49 CFR 219

Legal Deadline: None

**Abstract:** This final action delayed to 01/02/95 the application of random drug testing requirements to railroad personnel based outside of the United States. This delay in implementation will allow negotiation with foreign governments to continue in an orderly and efficient fashion, and the action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Final Action	07/14/92	57 FR 31278

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation  
07/14/92 (57 FR 31278)

**Agency Contact:** Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4002

RIN: 2130-AA43

**2531. + RAILROAD WORKPLACE  
SAFETY; BRIDGE-WORKER SAFETY  
STANDARDS**

Significance: Agency Priority

Legal Authority: PL 100-342, Rail  
Safety Improvement Act of 1988

CFR Citation: 49 CFR 214

Legal Deadline: Final, Statutory, June  
22, 1989.

**Abstract:** Pursuant to the Rail Safety Improvement Act of 1988, FRA has issued a final rule that establishes safety standards for the protection of those who work on railroad bridges. The rule requires the use of fall

protection and personal protective equipment. This action was considered significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/91	56 FR 3434
NPRM Comment Period End	04/15/91	
Final Action	06/24/92	57 FR 28116
Final Action Correction	07/02/92	57 FR 29561
Final Action Effective Date Extended to 08/24/92	07/09/92	57 FR 30429
Final Action Effective	08/24/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation  
06/24/92 (57 FR 28116)

**Additional Information:** Public hearing announced in the NPRM was postponed until 05/01/91 on March 26, 1991 (56 FR 12503). On October 1, 1992 (57 FR 45326); 49 CFR 214.103 and 49 CFR 214.105 were suspended until November 24, 1992.

**Agency Contact:** Edward R. English, Director, Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9186

RIN: 2130-AA48

**2532. + RAILROAD USER FEES**

Significance: Agency Priority

Legal Authority: PL 101-508; The  
Reconciliation Act; 45 USC 216

CFR Citation: 49 CFR 245

Legal Deadline: Final, Statutory,  
September 30, 1992.

**Abstract:** Part 245 was amended to implement section 216 of the Federal Railroad Safety Act of 1970 (45 USC 446) (the "Safety Act") which requires the Secretary of Transportation to

establish a schedule of fees to be assessed equitably to railroads to cover the costs incurred by the Federal Railroad Administration (FRA) in administering the Safety Act. This rulemaking is significant because of substantial industry interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/07/91	56 FR 21216
Public Hearing Notice	05/07/91	56 FR 21216
NPRM Comment Period End	06/12/91	
Interim Final Rule	09/30/91	56 FR 49418
Public Meeting Notice	10/21/91	56 FR 52498
Interim Final Rule Effective	10/30/91	
Open Meeting Notice	11/26/91	56 FR 59893
Public Hearing Notice Amendment	02/26/92	57 FR 6571
SNPRM	02/26/92	57 FR 6571
Final Action	07/09/92	57 FR 30596
Final Action Effective	08/10/92	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation  
07/09/92 (57 FR 30596)

**Agency Contact:** William Fashouer, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0767

RIN: 2130-AA62

**2533. REVISION OF STATE SAFETY  
PARTICIPATION REGULATIONS**

Significance: Nonsignificant

Legal Authority: PL 101-615;  
Hazardous Materials Transportation  
Uniform Safety Act of 1990; 45 USC 435  
Federal Railroad Safety Act of 1970

CFR Citation: 49 CFR 212

Legal Deadline: None



DOT—FRA

Completed Actions

**Abstract:** This final rule amends FRA's existing State participation program to include hazardous materials inspectors. Additionally, the rule makes minor changes to Part 212 to include shippers and manufacturers as regulated entities.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/91	56 FR 27222
Notice of Public Meeting	06/13/91	56 FR 27222
NPRM Comment Period End	08/12/91	
Final Action	06/24/92	57 FR 28112
Final Action Effective	07/24/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 06/24/92 (57 FR 28112)

**Agency Contact:** Arnold Gross, State Safety Program, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0538

**RIN:** 2130-AA85

**DEPARTMENT OF TRANSPORTATION (DOT)  
Federal Transit Administration (FTA)**

Proposed Rule Stage

**2534. + CONTROL OF DRUG USE IN THE MASS TRANSPORTATION INDUSTRY**

**Significance:** Regulatory Program

**Legal Authority:** PL 102-143, sec 6

**CFR Citation:** 49 CFR 653

**Legal Deadline:** Final, Statutory, October 28, 1992.

**Abstract:** The DOT Appropriations Act of 1991 requires FTA to issue regulations controlling the use of drugs in the transit industry. FTA must establish a program for drug testing of mass transportation employees responsible for safety-sensitive functions, for recipients under section 3, 9, or 18 of the Federal Transit Act or 23 USC 103(e)(4). This action is considered significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Judy Meade, Program Manager, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0188

**RIN:** 2132-AA37

**2535. + CONTROL OF ALCOHOL MISUSE IN THE MASS TRANSPORTATION INDUSTRY**

**Significance:** Regulatory Program

**Legal Authority:** PL 102-143, sec 6

**CFR Citation:** 49 CFR 654

**Legal Deadline:** Final, Statutory, October 28, 1992.

**Abstract:** The DOT Appropriation Act of 1991 requires FTA to issue regulations controlling the misuse of alcohol in the transit industry. FTA must establish a program for alcohol testing of mass transit employees responsible for safety-sensitive functions, for recipients under section 3, 9, or 18 of the Federal Transit Act or 23 USC 103(c)(4). This action is considered significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, Federal

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Susan Schruth, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington FC 20590, 202 366-4011

**RIN:** 2132-AA38

**2536. + STATE RESPONSIBILITY FOR FIXED GUIDEWAY SYSTEM SAFETY**

**Significance:** Regulatory Program

**Legal Authority:** PL 102-240, sec 3029

**CFR Citation:** 49 CFR 659

**Legal Deadline:** Final, Statutory, October 28, 1992.

**Abstract:** This regulation would establish requirements for States to assume oversight responsibility for safe operations of fixed guideway transit systems in those States. This action is considered significant because of substantial public and congressional interest, and the statutory mandate.

**Timetable:**

Action	Date	FR Cite
Public Hearing Notice	06/11/92	57 FR 24768
ANPRM	06/25/92	57 FR 28572
ANPRM Comment Period End	08/24/92	
NPRM	11/00/92	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Analysis:** Regulatory Evaluation 11/00/92

**Additional Information:** The ANPRM also announced the schedule for a series of public hearings. It was inadvertently published as RIN AA45; AA39 is the correct RIN.

**Agency Contact:** Nancy Zaczek, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4011

**RIN:** 2132-AA39

**2537. + CHARTER SERVICES**

**Significance:** Agency Priority

**Legal Authority:** PL 102-240, sec 3040

**CFR Citation:** 49 CFR 604

**Legal Deadline:** Final, Statutory, September 18, 1992.



## DOT—FTA

## Proposed Rule Stage

**Abstract:** This demonstration program would allow transit operators to provide charter services to meet transit needs that could not otherwise be met in a cost-efficient manner. This action is considered significant because of substantial public interest and the statutory mandate.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation  
10/00/92

**Agency Contact:** Rita Daguilard, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1936

**RIN:** 2132-AA40

**2538. + METROPOLITAN PLANNING**

**Significance:** Agency Priority

**Legal Authority:** PL 102-240, sec 3012

**CFR Citation:** 49 CFR 613

**Legal Deadline:** None

**Abstract:** Section 3012 of the Intermodal Surface Transportation Efficiency Act of 1991 revised section 8 of the Federal Transit Act to strengthen the planning process and the role of metropolitan planning organizations in transportation decisionmaking. FTA and FHWA will coordinate revisions to 49 CFR 613 and 23 CFR 450 to implement the provisions of sections 3012 and 1024 (Federal Transit and Federal Highway metropolitan planning sections, respectively). This action is considered significant because of

substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State, Federal

**Analysis:** Regulatory Evaluation  
12/00/92

**Agency Contact:** Sam Zimmerman, Director, Office of Planning, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2360

**RIN:** 2132-AA44

**2539. LEASING SECTION 16 VEHICLES**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC app 1612(b)(2); PL 102-240, sec 3021

**CFR Citation:** Not yet determined

**Legal Deadline:** Final, Statutory, February 18, 1992.

**Abstract:** This regulation would allow vehicles purchased under section 16(b)(2) of the Federal Transit Act to be leased to local public bodies to meet the transit needs of the elderly and disabled.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local

**Analysis:** Regulatory Evaluation  
11/00/92

**Agency Contact:** Nancy Zaczek, Attorney-Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4011

**RIN:** 2132-AA41

**2540. ● TRANSPORTATION FOR THE ELDERLY AND PERSONS WITH DISABILITIES**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC app 1612(b)(2)

**CFR Citation:** 49 CFR 609

**Legal Deadline:** None

**Abstract:** The regulation sets forth requirements regarding transportation for the elderly and persons with disabilities mandated by section 16 of the Federal Transit Act, as amended. The ADA and DOT's implementing regulations supersede many provisions of Part 609. The Federal Transit Administration will revise Part 609 to acknowledge new ADA provisions and to update continuing provisions emanating from the Federal Transit Act.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Agency Contact:** Trudy Levy, Assistant Chief Counsel, General Law Division, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1936

**RIN:** 2132-AA46

## DEPARTMENT OF TRANSPORTATION (DOT)

## Final Rule Stage

## Federal Transit Administration (FTA)

**2541. + MAJOR CAPITAL INVESTMENT PROJECTS**

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1602(i); 23 USC 103(e); 23 USC 142; PL 100-17, sec 303; PL 102-240, sec 3010

**CFR Citation:** 49 CFR 611

**Legal Deadline:** None

**Abstract:** Section 303 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 directed the agency to issue guidelines for evaluating cost-effectiveness and local financial commitments in developing new fixed guideway projects. However, section 3010 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) directs the agency, in its

evaluation of new fixed guideway projects, to consider a number of matters in addition to cost-effectiveness and local financial commitment—specifically, costs related to congestion, improved mobility, air and noise pollution, and energy consumption, and the degree to which a project may promote economic development and serve the needs of transit dependent



DOT—FTA

Final Rule Stage

population. Thus, the agency will withdraw its April 25, 1989 NPRM and prepare a new NPRM that responds to the directive of ISTEA section 3010. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17878
NPRM Comment Period End	06/26/89	
NPRM To Be Withdrawn and Replaced	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
04/25/89 (54 FR 17878)

**Agency Contact:** Don Emerson,  
Department of Transportation, Federal  
Transit Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-0096

**RIN:** 2132-AA34

**2542. + BUS TESTING**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1608(h)

**CFR Citation:** 49 CFR 665

**Legal Deadline:** None

**Abstract:** This regulation implements a statutory provision that requires any new bus model purchased after September 30, 1989, to be tested at a facility established by the Secretary in Altoona, Pa. This regulation is significant because of the large amount of public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22716
NPRM Comment Period End	07/24/89	
Interim Final Rule	08/23/89	54 FR 35158
Interim Final Rule; Comment Period Reopened	11/30/89	54 FR 35158
Interim Final Rule; Second	10/09/90	55 FR 41174
Interim Final Rule Extending Interim Procedures	09/13/91	56 FR 46572
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Flexibility  
Analysis; Regulatory Evaluation  
08/23/89 (54 FR 35158)

**Additional Information:** Section 12(h) of the FT Act, as amended, defines a "new bus model" as a bus model which has not been used in mass-transportation service in the United States before the date of production of such model, or a bus model which has been used in such service but which is being produced with a major change in configuration or components. As the last extension of validity for the interim final rule expired 07/01/91, this required that the rule be published in its entirety 07/28/92 (57 FR 33394).

**Agency Contact:** Richard Wong,  
Attorney-Advisor, Department of  
Transportation, Federal Transit  
Administration, Office of Chief Counsel,  
Room 9316, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-1936

**RIN:** 2132-AA30

**2543. UNIFORM SYSTEM OF  
ACCOUNTS AND RECORDS AND  
REPORTING SYSTEM**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1611

**CFR Citation:** 49 CFR 630

**Legal Deadline:** None

**Abstract:** FTA is reviewing its Uniform System of Accounts and Records and Reporting System. Specifically, the agency is evaluating the objectives of the section 15 program, the usefulness of the data currently being collected, as well as the strengths and weaknesses of the program.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/13/90	55 FR 33078
ANPRM Comment Period End	11/13/90	
NPRM	08/12/91	56 FR 38256
NPRM Comment Period End	10/11/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/12/91 (56 FR 38256)

**Agency Contact:** Paul Branch, Office of  
Capital and Formula Assistance,

Department of Transportation, Federal  
Transit Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-6694

**RIN:** 2132-AA36

**2544. BUY AMERICA**

**Significance:** Nonsignificant

**Legal Authority:** PL 102-240, sec 1048

**CFR Citation:** 49 CFR 661

**Legal Deadline:** Final, Statutory, May  
30, 1992.

**Abstract:** The Intermodal Surface  
Transportation Efficiency Act of 1991  
amended section 165(a) of the Surface  
Transportation Assistance Act of 1982  
(23 USC 101 note) by adding "iron" to  
the list of products subject to "Buy  
America" provisions. The Federal  
Transit Administration's "Buy America"  
regulations are being amended to  
include this new statutory provision.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** Businesses,  
Governmental Jurisdictions

**Government Levels Affected:** Local,  
State

**Additional Information:** Pursuant to 5  
USC 553(b), requirements for notice and  
hearing are not required, as this action  
involves a matter of agency practice  
and procedure.

**Agency Contact:** Rita Daguillard,  
Attorney Advisor, Department of  
Transportation, Federal Transit  
Administration, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-1936

**RIN:** 2132-AA42

**2545. MAJOR CAPITAL INVESTMENT  
PROJECTS (ENVIRONMENTAL)**

**Significance:** Nonsignificant

**Legal Authority:** PL 102-240, sec 3012

**CFR Citation:** Not yet determined

**Legal Deadline:** Final, Statutory, May  
18, 1992.

**Abstract:** The Intermodal Surface  
Transportation Efficiency Act of 1991  
requires the FTA to conform its review  
requirements for transit projects under  
the National Environmental Policy Act  
(NEPA) to comparable requirements  
under NEPA applicable to highway



**DOT—FTA**

**Final Rule Stage**

projects. FTA anticipates a rulemaking or policy statement in conformance with FHWA's environmental regulations at 23 CFR 771.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:** Pursuant to 5 USC 553(b), requirements for notice and hearing are not required.

**Agency Contact:** Scott Biehl, Department of Transportation, Federal Transit Administration, 400 Seventh

Street SW., Washington, DC 20590, 202 366-0952

**RIN:** 2132-AA43

**DEPARTMENT OF TRANSPORTATION (DOT)**

**Prerule Stage**

**Research and Special Programs Administration (RSPA)**

**2546. CONSOLIDATION OF SPECIFICATIONS FOR HIGH-PRESSURE SEAMLESS CYLINDERS AND REWRITE OF 49 CFR 173.34**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1803 to 1808

**CFR Citation:** 49 CFR 172; 49 CFR 173

**Legal Deadline:** None

**Abstract:** This rulemaking involves a proposal to revise the requalification requirements for cylinders and consolidate and revise the specifications for high-pressure seamless cylinders. (Project No. 305-83).

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** Formerly entitled Review; Consolidation of

Specifications for High-Pressure Seamless Cylinders.

**Agency Contact:** Charles H. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4545

**RIN:** 2137-AA92

**2547. MODERNIZING THE PASSENGER ORIGIN-DESTINATION SURVEY**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1377; 49 USC 1441

**CFR Citation:** 14 CFR 241

**Legal Deadline:** None

**Abstract:** Historically, the source document for the Passenger Origin-Destination Survey was the auditor's coupon of the ticket. Until recently, these coupons provided all the information that was needed for the Survey. In the last few years, the carriers have begun using trip passes in

conjunction with the tickets, thereby eliminating some of the data that is required to be reported in the Survey. Other innovations used by the industry, such as funnel flights and code-sharing, have impacted the Survey and obscured some of the data that is required to be reported, such as change of planes and junction points. This rulemaking will explore whether there are alternative sources for the data and modernize the collection system to keep pace with the industry.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4383

**RIN:** 2137-AB92

**DEPARTMENT OF TRANSPORTATION (DOT)**

**Proposed Rule Stage**

**Research and Special Programs Administration (RSPA)**

**2548. + SAFEGUARDING FOOD FROM CONTAMINATION DURING TRANSPORTATION**

**Significance:** Regulatory Program

**Legal Authority:** PL 101-500

**CFR Citation:** 49 CFR 1

**Legal Deadline:** Final, Statutory, August 1, 1991.

**Abstract:** The Sanitary Food Transportation Act of 1990 (SFTA; Pub. L. 101-500) requires the Secretary of Transportation, in consultation with the Secretaries of Agriculture and Health

and Human Services and the Administrator of the Environmental Protection Agency, to issue regulations concerning the transportation of food, food additives, drugs, devices, and cosmetics in motor and rail vehicles also used to transport nonfood products that could pose an unreasonable danger to human or animal health when so transported. This rulemaking will implement the statutory requirements. This rulemaking is significant because of substantial public and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/20/91	56 FR 6934
ANPRM	03/21/91	56 FR 11982
Comment Period Extended to 04/29/91		
ANPRM	03/26/91	
Comment Period End		

Next Action Undetermined

**Small Entities Affected:** Undetermined



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**Government Levels Affected:** None

**Additional Information:** Docket FS-1.

**Agency Contact:** E. Richards/J. Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-0656

**RIN:** 2137-AC00

**2549. + HAZARDOUS MATERIALS IN INTRASTATE COMMERCE**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1802 to 1808

**CFR Citation:** 49 CFR 171 to 179

**Legal Deadline:** None

**Abstract:** ANPRM invited comments on the need for, and possible consequences of, DOT extending the application of its Hazardous Materials Regulations to all intrastate transportation of hazardous materials in commerce. This rulemaking is significant because of substantial public interest and possible federalism implications. The Hazardous Materials Transportation Uniform Safety Act of 1990 mandates that the Secretary issue regulations for the intrastate transportation of hazardous materials in commerce.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/29/87	52 FR 24195
Comment Period Extended to 11/28/87	09/21/87	52 FR 35464
ANPRM Comment Period End	09/28/87	
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation 10/00/92

**Additional Information:** Docket No. HM-200.

**Agency Contact:** Pat Spirer, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4484

**RIN:** 2137-AB37

**2550. + QUALIFICATION OF PIPELINE PERSONNEL**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1672; 49 USC 2002

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** Training and qualification standards would be proposed for personnel involved in the operation and maintenance of gas and hazardous liquid pipelines. Special consideration would be given to operators of small gas systems to alleviate the burden of compliance. This rulemaking is considered significant because of substantial State and congressional interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9189
ANPRM Comment Period End	05/07/87	52 FR 9189
NPRM	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 04/00/93

**Additional Information:** Docket No. PS-94. Formerly entitled: Pipeline Operator Qualifications. The proposals regarding certification of personnel and emergency response in "Proposals for Pipeline Safety," RIN 2137-AB27, have been consolidated into this rulemaking.

**Agency Contact:** A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2036

**RIN:** 2137-AB38

**2551. + MAPS AND RECORDS OF PIPELINE LOCATION AND CHARACTERISTICS; NOTIFICATION OF STATE AGENCIES; PIPE INVENTORY**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1672; 49 USC 2002

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** Final, Statutory, November 1, 1989.

**Abstract:** Maintenance of appropriate information about pipelines is essential

for emergency response, compliance with safety standards, and other purposes. As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action proposes to equalize as far as possible the requirements that gas and liquid operators keep maps and records to show the location and other characteristics of pipelines. Operators would also be required to keep an inventory of pipe and annually report mileage and other facts. In addition, operators would be required to provide certain information to State agencies upon request. This is a significant action because of congressional and State concerns about the need for appropriate public officials to have pipeline information.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Analysis:** Regulatory Evaluation 10/00/92

**Additional Information:** RIN 2137-AB62, "Annual Report for Hazardous Liquid Pipelines," has been consolidated into this rulemaking. The proposals regarding information for local authorities, pipeline inventory, and condition reports in "Proposals for Pipeline Safety," RIN 2137-AB27, have been consolidated into this rulemaking.

**Agency Contact:** L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4560

**RIN:** 2137-AB48

**2552. + IMPROVEMENTS TO HAZARDOUS MATERIALS IDENTIFICATION SYSTEMS**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1803 to 1808

**CFR Citation:** 49 CFR 172

**Legal Deadline:** Final, Statutory, May 16, 1993.

**Abstract:** This rulemaking proposes to determine methods of improving the current system of placarding vehicles transporting hazardous materials; determine the feasibility and methods



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for establishing a central reporting system and computerized telecommunications data center for daily hazardous materials shipments in all modes; and evaluate the need and safety benefits of requiring carriers to establish a continually monitored telephone system to provide information and assistance to emergency responders. This action is required by Section 25 of the Hazardous Materials Transportation Uniform Safety Act of 1990. This rulemaking is considered significant because of substantial public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/09/92	57 FR 24532
ANPRM	08/05/92	57 FR 34542
Comment Period Extended to 10/09/92		
ANPRM	08/10/92	
Comment Period End		

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None

**Additional Information:** Docket HM-206. Formerly entitled "Improving Hazardous Materials Identification: Placarding; Reporting/Tracking; and Continually Monitored Telephone Systems."

**Agency Contact:** J. Potter/D. Billings, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4489

RIN: 2137-AB75

**2553. + AMENDMENTS TO THE DOT AIRLINE ON-TIME DISCLOSURE RULE****Significance:** Agency Priority

**Legal Authority:** 49 USC 1302; 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 5 USC 553(e)

**CFR Citation:** 14 CFR 234; 14 CFR 302.38

**Legal Deadline:** None

**Abstract:** This proposed action would amend the reporting requirements of 14 CFR 234 to require the on-time reporting performance of all flights, in response to an Inspector General's audit finding and recommendation, and to various

industry comments. Under the current regulations, flights that are cancelled or late by 15 minutes or more because of a mechanical problem are not reported. The proposal would also require reporting of the aircraft tail number and wheels-up and wheels down time for each flight. This data would be used, among other things, to reduce airport delays. This rulemaking is considered significant because it involves important Department policy concerning reporting of flight delays.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4383

RIN: 2137-AB94

**2554. + DRUG TESTING: STANDARDIZED DATA COLLECTION****Significance:** Agency Priority

**Legal Authority:** 49 USC 1672; 49 USC 1804; 49 USC 2002

**CFR Citation:** 49 CFR 199**Legal Deadline:** None

**Abstract:** A minimum level of standardized data regarding pipeline anti-drug programs is needed to conduct analyses of program effectiveness. This action proposes that pipeline operators keep and maintain standardized data in a uniform format to enable the Department and State agencies to track implementation, compliance, and enforcement, and to provide for future policy formulation. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** R. Rippert, Department of Transportation, Research and Special Programs Administration,

400 Seventh Street SW., Washington, DC 20590, 202 366-6223

RIN: 2137-AB95

**2555. + EXCESS FLOW VALVES IN SERVICE LINES****Significance:** Agency Priority**Legal Authority:** 49 USC 1672**CFR Citation:** 49 CFR 192**Legal Deadline:** None

**Abstract:** Service line breaks due to excavation damage and other causes continue to be a threat to public safety, despite the precautions being taken through one-call damage prevention programs and line surveys for corrosion or leaks. Excess flow valves would be required on new and renewed service lines to stop the flow of gas in the event of a line break. This rulemaking is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/20/90	55 FR 52188
ANPRM	03/20/91	
Comment Period End		
NPRM	10/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Additional Information:** Docket No. PS-118

**Agency Contact:** J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4571

RIN: 2137-AB97

**2556. ● + ELECTRONIC FILING OF CARGO AND PASSENGER TARIFFS****Significance:** Agency Priority**Legal Authority:** 49 USC 403**CFR Citation:** 14 CFR 221**Legal Deadline:** None

**Abstract:** This action will propose to accept electronic filing of passenger rules and cargo fares and rules required by 49 USC 403. Passenger fares are already filed electronically, and this action would ensure that all tariff information is automated. This



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rulemaking is significant because it would relieve regulatory burden on the air carrier industry.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Agency Contact:** Donald W. Bright, Director, Office of Automated Tariffs, Department of Transportation, Research and Special Programs Administration, DAT-1, Room 6424, 400 Seventh St. SW., Washington, DC 20590, 202 366-2414

**RIN:** 2137-AC18

### 2557. + ALCOHOL TESTING PROGRAM

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1672; 49 USC 2002

**CFR Citation:** 49 CFR 199

**Legal Deadline:** Final, Statutory, October 28, 1992.

**Abstract:** This action would require pipeline operators to establish alcohol education and testing programs for their employees who perform safety-sensitive functions. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation  
04/00/93

**Agency Contact:** R. Rippert, Department of Transportation, Research and Special Programs Administration, 400 Seventh St. SW., Washington, DC 20590, 202 366-6223

**RIN:** 2137-AC21

### 2558. ● + REGULATORY REVIEW: GAS PIPELINE SAFETY STANDARDS

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1672; 49 USC 1804

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** Gas pipeline safety standards would be amended or clarified to eliminate burdensome requirements without reducing safety. This action is significant because it would reduce regulatory burden that could hinder economic growth, and because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/92	57 FR 39572
NPRM Comment	09/30/92	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/31/92 (57 FR 39572)

**Additional Information:** Certain proposals in "Alternative Weld Defect Acceptance Criteria," RIN 2137-AC03; "Petroleum Gas Systems," RIN 2137-AC04; and "Temperature Limits for Plastic Gas Pipelines," RIN 2137-AC20 have been consolidated into this rulemaking.

**Agency Contact:** A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-2392

**RIN:** 2137-AC25

### 2559. ● + OIL AND HAZARDOUS SUBSTANCES: SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANS

**Significance:** Agency Priority

**Legal Authority:** 33 USC 1321 (j)(5); 49 USC 1802 to 1805; 49 USC 1808; 49 USC 1818

**CFR Citation:** 49 CFR 171 to 177

**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** This action would establish regulations requiring response plans for certain transportation containers such as cargo tanks and tank car tanks. These regulations are required by the Oil Pollution Act of 1990 (PL 101-380). The purpose of these regulations is to improve response capabilities and minimize the impact of onshore oil spills. This rule is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** HM-214

**Agency Contact:** Diane LaValle, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

**RIN:** 2137-AC31

### 2560. 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 each carrier's on-line passengers. The Department has installed a new traffic and market data system for certificated and foreign air carriers called the T-100 system. 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
NPRM	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation  
03/00/93

**Agency Contact:** Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room



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4125, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-4383

RIN: 2137-AB18

**2561. DETECTION AND REPAIR OF  
CRACKS, PITS, CORROSION, LINING  
FLAWS, THERMAL DETECTION  
FLAWS, AND OTHER DEFECTS OF  
TANK CAR TANKS**

**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 173

**Legal Deadline:** None

**Abstract:** This rule would clarify existing inspection requirements for tank car tanks; add new inspection requirements for thermal protection on tank car tanks; permit the use of new inspection techniques for tank cars transporting low vapor pressure commodities in lieu of periodic hydrostatic retests; and establish minimum in-service tank thickness requirements.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/08/87	52 FR 46510
ANPRM	02/11/88	52 FR 46510
Comment Period End		
ANPRM	02/18/88	53 FR 4862
Comment Period Extended to		
	05/13/88	
NPRM	06/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation  
06/00/93

**Additional Information:** Docket HM-201.

**Agency Contact:** P. Olekszyk (FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0897

RIN: 2137-AB40

**2562. DOT 3AL ALUMINUM  
CYLINDERS; SAFETY PROBLEMS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1808

**CFR Citation:** 49 CFR 178

**Legal Deadline:** None

**Abstract:** Certain DOT 3AL cylinders made of aluminum alloy 6351 were discovered developing cracks during service and occasionally leaks developed resulting in loss of contents. This ANPRM was to alert and inform all persons possessing these cylinders of the problems, identify those cylinders at risk, and suggest steps to minimize risks.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/10/87	52 FR 26027
ANPRM	08/10/87	52 FR 26027
Comment Period End		
NPRM	02/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation  
02/00/93

**Additional Information:** Docket No. HM-176A

**Agency Contact:** C. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4545

RIN: 2137-AB51

**2563. PASSAGE OF INTERNAL  
INSPECTION DEVICES**

**Significance:** Nonsignificant

**Legal Authority:** PL 100-561, sec 108; PL 100-561, sec 207

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** This rulemaking would establish minimum Federal safety standards requiring that new and replacement gas transmission and hazardous liquid pipelines be designed to accommodate the passage of internal inspection devices. This rulemaking is mandated by PL 100-561.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** The integrity testing proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, is consolidated, in part, in this rulemaking.

**Agency Contact:** K. Saunders, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0524

RIN: 2137-AB71

**2564. TRANSPORTATION OF A  
HAZARDOUS LIQUID AT 20 PERCENT  
OR LESS OF SPECIFIED MINIMUM  
YIELD STRENGTH**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 2002

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** The Federal pipeline safety standards governing hazardous liquid pipelines do not apply to pipelines operated at 20 percent or less of the specified minimum yield strength of the pipe. When the standards were issued in 1969, these pipelines were thought not to pose an unreasonable risk to public safety because of their low operating stress levels. Since then, however, a number of accidents have been reported on low stress level pipelines, particularly involving harm to the environment. This rulemaking action would assess the need to extend the Federal safety standards to cover these low stress level pipelines (except gathering lines), and, if warranted, apply the standards to those pipelines.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/31/90	55 FR 45822
ANPRM	12/31/90	
Comment Period End		
Public Meeting Notice	05/22/91	56 FR 23538
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Analysis:** Regulatory Evaluation  
10/00/92



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**Additional Information:** The Secretary of Transportation's Safety Review Task Force and the National Association of Pipeline Safety Representatives have separately recommended this action.

**Agency Contact:** G. J. Wolf, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4560

RIN: 2137-AB86

**2565. CRASH WORTHINESS PROTECTION REQUIREMENTS FOR TANK CARS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1803 to 1808

**CFR Citation:** 49 CFR 173

**Legal Deadline:** None

**Abstract:** This rulemaking solicits comments on the costs and safety benefits that would be derived should the Hazardous Materials Regulations be amended to improve the level of safety of tank car tanks.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/15/90	55 FR 20242
ANPRM	08/21/90	
Comment Period End		
SANPRM;	08/29/90	55 FR 35327
Comment Period End		
01/04/91		
NPRM	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Docket HM-175A. Formerly entitled, "Specifications for Tank Car Tanks."

**Agency Contact:** E. Martin, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

RIN: 2137-AB89

**2566. DISTRIBUTION SYSTEM DEFINITIONS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1672

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** Experience enforcing the gas pipeline safety standards shows that

terms, such as "service line" and "regulator station," that are used in the gas pipeline safety standards with respect to distribution systems may be unclear. This action proposes to revise existing definitions and add definitions of terms currently undefined in the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/93

**Agency Contact:** J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-9571

RIN: 2137-AC02

**2567. UPDATING CONFIDENTIALITY RULES FOR INTERNATIONAL PASSENGER ORIGIN-DESTINATION SURVEY DATA AND SERVICE SEGMENT DATA**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 101; 49 USC 1324; 49 USC 1377

**CFR Citation:** 14 CFR 241

**Legal Deadline:** None

**Abstract:** International passenger origin-destination survey data and service segment/Schedule T-9 data (replaced by Schedule T-100) submitted by U.S. air carriers have a permanent confidential period. In the public interest, such data may be released to other Federal agencies or State governments for internal use only. The Department will explore whether a shorter confidential period can be instituted that would be consistent with the confidential period for other data filed with the Department.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 12/00/92

**Agency Contact:** Jack Calloway, Chief, Regulations Division, Department of

Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street SW., Washington, DC 20590, 202 366-4383

RIN: 2137-AC07

**2568. CONFIDENTIALITY OF AIRCRAFT INVENTORY DATA**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 101; 49 USC 1324; 49 USC 1377

**CFR Citation:** 14 CFR 241

**Legal Deadline:** None

**Abstract:** Each large U.S. air carrier files a quarterly Form 41 schedule of its aircraft and engine purchases and an annual schedule of its aircraft and engine inventory. Included on these schedules is such information as the cost of the purchase, residual value, service life, etc. In response to a petition for rulemaking, the Department is undertaking a rulemaking to decide if any of the information reported on these schedules should be withheld from public disclosure.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/18/91	56 FR 22992
ANPRM	09/03/91	
Comment Period End		
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street SW., Washington, DC 20590, 202 366-4383

RIN: 2137-AC08

**2569. DESIGN AND CONSTRUCTION OF WELDED BREAKOUT TANKS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 2002

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** This rulemaking proposes to add safety standards for the design and construction of pipeline breakout tanks. This action would incorporate by reference the applicable standards for



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breakout tank design and construction that are contained in American Petroleum Institute Standard 650. This standard is already widely followed in the pipeline industry.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/93

**Agency Contact:** A. Garnett,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590-0001, 202 366-2036

**RIN:** 2137-AC11

### 2570. ● INTERMEDIATE BULK CONTAINERS FOR HAZARDOUS MATERIALS

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1804; 49 USC 1808

**CFR Citation:** 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 178

**Legal Deadline:** None

**Abstract:** This action would establish standards for the construction, maintenance, and use of intermediate bulk containers (IBCs) for the transportation of hazardous materials. The proposal is based on standards contained in the United Nations Recommendations on the Transport of Dangerous Goods.

**Timetable:**

Action	Date	FR Cite
NPRM	08/14/92	57 FR 36694
NPRM Comment	09/14/92	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
08/14/92 (57 FR 36694)

**Agency Contact:** John Potter/John  
Gale, Department of Transportation,  
Research and Special Programs  
Administration, 400 Seventh Street SW.,  
Washington, DC 20590-0001, 202 366-  
4488

**RIN:** 2137-AC23

### 2571. ● TANK CARS AND CARGO TANK MOTOR VEHICLES: ATTENDANCE REQUIREMENTS

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1803; 49 USC 1804; 49 USC 1805; 59 USC 1808

**CFR Citation:** 49 CFR 174; 49 CFR 177

**Legal Deadline:** None

**Abstract:** This action proposes to establish standards to allow the use of electronic surveillance and monitoring equipment (signalling systems) for unloading tank cars and loading cargo tank motor vehicles, and to revise other unloading requirements for tank cars. This action would recognize recent technological innovations and improve safety during the loading/unloading of bulk quantities of hazardous materials.

**Timetable:**

Action	Date	FR Cite
NPRM	09/14/92	57 FR 42466
NPRM Comment	12/14/92	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
09/14/92 (57 FR 42466)

**Agency Contact:** Jennifer Karim/Diane  
LaValle, Department of Transportation,  
Research and Special Programs  
Administration, 400 Seventh Street SW.,  
Washington, DC 20590-0001, 202 366-  
4488

**RIN:** 2137-AC24

### 2572. ● USE OF CARGO TANKS, PORTABLE TANKS, AND MULTI-UNIT TANK CAR TANKS IN TOFC/COFC SERVICE

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1803; 49 USC 1804; 49 USC 1808

**CFR Citation:** 49 CFR 171; 49 CFR 174

**Legal Deadline:** None

**Abstract:** This action proposes to revise the Hazardous Materials Regulations to permit the use of certain portable tanks and IM (intermodal) portable tanks to transport certain hazardous materials that pose a relatively low or moderate hazard in container-on-flatcar (COFC) service by rail without obtaining prior approval from the Federal Railroad Administration. Based on comments to the ANPRM, earlier proposals to allow

cargo tanks and multi-unit tank car tanks in trailer-on-flatcar (TOFC) service by rail without prior approval are not included in this action.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/30/85	50 FR 18278
ANPRM	06/27/85	
Comment		
Period End		
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** Docket No.  
HM-197. Public hearing held 6/11/85.

**Agency Contact:** Edward Pritchard  
(FRA), Department of Transportation,  
Research and Special Programs  
Administration, 400 Seventh Street SW.,  
Washington, DC 20590-0001, 202 366-  
0897

**RIN:** 2137-AC26

### 2573. ● REGULATORY REVIEW: HAZARDOUS LIQUID PIPELINE SAFETY STANDARDS

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 2002

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** Hazardous liquid pipeline safety standards would be amended or clarified to eliminate burdensome requirements without reducing safety. This action would eliminate regulatory impediments to economic growth.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Additional Information:** The proposals concerning hazardous liquid pipelines in "Alternative Weld Defect Acceptance Criteria," RIN 2137-AC03, have been consolidated into this rulemaking.

**Agency Contact:** J. Willock,  
Department of Transportation, Research  
and Special Programs Administration,



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400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4571

RIN: 2137-AC27

**2574. ● REGULATORY REVIEW: GAS PIPELINE REPORTING REQUIREMENTS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1681; 49 USC 1808

**CFR Citation:** 49 CFR 191

**Legal Deadline:** None

**Abstract:** Gas pipeline reporting requirements would be amended to eliminate burdensome requirements without reducing safety. This action would reduce regulatory impediments to economic growth.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

NPRM 10/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4571

RIN: 2137-AC28

**2575. ● REGULATORY REVIEW: LIQUEFIED NATURAL GAS FACILITIES**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1674a

**CFR Citation:** 49 CFR 193

**Legal Deadline:** None

**Abstract:** Safety standards for liquefied natural gas facilities would be amended to eliminate burdensome requirements without reducing safety. This action would eliminate regulatory impediments to economic growth.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

NPRM 10/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-2392

RIN: 2137-AC29

DEPARTMENT OF TRANSPORTATION (DOT)

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**2576. + HYDROSTATIC TESTING OF CERTAIN HAZARDOUS LIQUID PIPELINES**

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 2002

**CFR Citation:** 49 CFR 195

**Legal Deadline:** None

**Abstract:** Recent accidents involving petroleum pipelines demonstrate the potential for catastrophic losses if a large spill occurs in a populated area. Studies have shown that accidents attributable to latent material or construction defects can be prevented by restricting operation to not more than 80 percent of a prior test or operating pressure. In this regard, significant results have been achieved by imposing such an operating restriction on pipelines that carry highly volatile liquids. This rule would extend this existing safety standard to all hazardous liquid pipelines that are subject to Part 195. This rulemaking is significant because of substantial public interest in the safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	05/22/91	56 FR 23538
NPRM Comment Period End	07/22/91	
Final Action	04/00/93	

NPRM 05/22/91 56 FR 23538

NPRM Comment Period End 07/22/91

Final Action 04/00/93

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/22/91 (56 FR 23538)

**Additional Information:** Formerly entitled: Pressure Testing Existing Hazardous Liquid Pipelines. The integrity testing proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, has been consolidated, in part, in this rulemaking. Docket PS-121.

**Agency Contact:** A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2036

RIN: 2137-AB46

**2577. + 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 was the subject of litigation.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48505
NPRM Comment Period End	11/25/91	
Final Action	04/00/94	

NPRM 09/25/91 56 FR 48505

NPRM Comment Period End 11/25/91

Final Action 04/00/94

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Analysis:** Regulatory Evaluation 09/25/91 (56 FR 48505)

**Agency Contact:** C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1640

RIN: 2137-AB15

**2578. + OPERATION AND MAINTENANCE PROCEDURES FOR PIPELINES**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1672; 49 USC 1804; 49 USC 2002

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** Adequate procedures for pipeline operation and maintenance, backed up by personnel training, have



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proven effective in minimizing the potential for accidents. Gas operators are required to have such procedures, but the existing requirements lack the clarity and specificity needed to assure a uniform, broad-based level of safety for all pipelines. Therefore, this proposal would clarify the existing requirements, make them more comprehensive, and, where appropriate, similar to the more detailed requirements applicable to the operation and maintenance of hazardous liquid pipelines. Also, a few additions and clarifying changes would be made to the hazardous liquid pipeline requirements. This is a significant action because of the need for adequate procedures to provide a basis for training and qualifying operator personnel.

**Timetable:**

Action	Date	FR Cite
NPRM	11/06/89	54 FR 46685
NPRM Comment Period End	02/05/90	54 FR 46685
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
11/06/89 (54 FR 46685)

**Additional Information:** Formerly entitled: Operation and Maintenance Procedures for Gas Pipelines. Docket No. PS-113.

**Agency Contact:** J. Willock,  
Department of Transportation, Research and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4571

**RIN:** 2137-AB44

### 2579. + EXCAVATION DAMAGE PREVENTION PROGRAMS FOR GAS AND HAZARDOUS LIQUID PIPELINES

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1672(a); 49 USC 2002(e)

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** Each year a large percentage of gas and hazardous liquid pipeline accidents are caused by excavation damage. Based on existing rules intended to reduce damage to gas pipelines in populated areas, this action would require hazardous liquid and carbon dioxide pipeline operators to

provide damage prevention programs, and gas operators would have to expand their programs to cover rural areas. This is a significant action because of widespread interest in the use of "one-call" programs to prevent damage to buried pipelines. Where appropriate, operators would have to participate in "one-call" programs.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24747
NPRM Comment Period End	08/29/88	53 FR 24747
Interim Final Rule	04/00/93	
SNPRM	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Analysis:** Regulatory Evaluation  
06/30/88 (53 FR 24747)

**Additional Information:** Docket No. PS-101. Formerly entitled: Natural Gas and Hazardous Liquid Pipeline Damage Prevention Program. The one-call system proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, has been consolidated, in part, in this rulemaking. In light of comments received, an SNPRM will be issued, accompanying an interim final rule.

**Agency Contact:** A. Garnett,  
Department of Transportation, Research and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-2036

**RIN:** 2137-AB47

### 2580. + MARINE POLLUTANTS

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1802 to 1805;  
49 USC 1808; 49 USC 1818

**CFR Citation:** 49 CFR 171 to 174; 49 CFR 176

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Hazardous Materials Regulations (HMR) to list and regulate, in all modes of transportation, those materials identified as marine pollutants by the International Maritime Organization. The rule is necessary to implement annex III of the 1973 International Convention for the Prevention of Pollution from Ships, to increase the level of safety associated with the transportation of

environmentally hazardous materials. The rule is significant because of substantial congressional and public interest. Annex III is effective for all parties to the treaty on July 1, 1992.

**Timetable:**

Action	Date	FR Cite
NPRM	01/31/92	57 FR 3854
NPRM Comment Period Extended to 5/4/92	02/27/92	57 FR 6696
NPRM Comment Period End	03/02/92	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
01/31/92 (57 FR 3854)

**Additional Information:** Docket HM-211

**Agency Contact:** John Gale,  
Department of Transportation, Research and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4488

**RIN:** 2137-AC16

### 2581. ● + RESPONSE PLANS FOR ONSHORE OIL PIPELINES

**Significance:** Agency Priority

**Legal Authority:** 33 USC 1321(j)(5)

**CFR Citation:** 49 CFR 194

**Legal Deadline:** Final, Statutory,  
August 18, 1992.

**Abstract:** This interim final rule establishes regulations requiring response plans for certain onshore oil pipelines. Those regulations are mandated by the Federal Water Pollution Control Act as amended by the Oil Pollution Act of 1990 (Pub. L. 101-380). The purpose of these requirements is to improve response capabilities and minimize the impact of onshore oil spills from pipelines.

This rule is significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92



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**Agency Contact:** Lloyd Ulrich,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4556  
**RIN:** 2137-AC30

**2582. 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
Periodic Update	04/20/87	52 FR 13034
Periodic Update - NPRM	09/19/88	53 FR 36410
Periodic Update	09/20/89	54 FR 38790
Correction to Update	11/20/89	54 FR 47986
Final Rule; Response to Petitions for Reconsider- ation	07/05/90	55 FR 27640
Periodic Update	10/01/90	55 FR 39977
NPRM	08/07/91	56 FR 37505
NPRM Comment Period End	10/07/91	
Final Action	10/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Additional Information:** Docket No.  
HM-166X.

**Agency Contact:** D. LaValle,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4468  
**RIN:** 2137-AA44

**2583. QUANTITY LIMITATIONS  
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:** This action proposed to  
remove the fifty-pound limit on the  
quantity that may be stowed in an  
inaccessible cargo location on  
passenger-carrying aircraft. Comments  
to the NPRM indicated that further  
evaluation is needed before proceeding  
to a final rule. Therefore, this action is  
proposed to be withdrawn.

**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
To Be Withdrawn	11/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:**  
Undetermined  
**Analysis:** Regulatory Evaluation  
02/13/85 (50 FR 6013)

**Additional Information:** This project  
was formerly entitled: Limitation  
Aboard Aircraft.  
**Agency Contact:** Eileen Martin,  
Transportation Reg. Specialist,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4488  
**RIN:** 2137-AA85

**2584. ENFORCEMENT OF MOTOR  
CARRIER FINANCIAL  
RESPONSIBILITY REQUIREMENTS**

**Significance:** Nonsignificant  
**Legal Authority:** 49 USC 1803 to 1805;  
49 USC 1808 to 1809; 49 USC 1655; 49  
USC 1655(c); 49 USC 10927

**CFR Citation:** 49 CFR 171; 49 CFR 173;  
49 CFR 387  
**Legal Deadline:** None  
**Abstract:** This notice solicited  
comments on the merits of a petition for  
rulemaking from the National Tank  
Truck Carriers proposing to amend the  
Hazardous Materials Regulations to  
require shippers of hazardous materials  
by highway, in cargo tanks, to obtain  
documentary proof that the motor  
carrier possesses the minimum level of  
financial responsibility required by 49

CFR part 387. Comments received  
generally oppose imposition of the  
petition's proposed requirements.  
Evaluation of the merits of the  
comments indicate safety would not be  
significantly enhanced by the proposed  
requirements. Therefore, this  
rulemaking will be withdrawn.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/20/87	52 FR 19116
ANPRM Comment Period End	08/18/87	
To Be Withdrawn	11/00/92	

**Small Entities Affected:** Undetermined  
**Government Levels Affected:**  
Undetermined  
**Additional Information:** Docket No.  
HM-199.  
**Agency Contact:** D. Billings,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4488  
**RIN:** 2137-AB35

**2585. GAS DETECTION AND  
MONITORING IN COMPRESSOR  
STATION BUILDINGS**

**Significance:** Nonsignificant  
**Legal Authority:** 49 USC 1672  
**CFR Citation:** 49 CFR 192  
**Legal Deadline:** None

**Abstract:** Leaking gas accumulating  
inside an inadequately ventilated  
compressor station building is a serious  
safety problem that has caused recent  
deaths and injuries. This rulemaking  
action proposes additional regulations  
to require installation of gas detection  
and alarm systems.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/04/88	53 FR 10906
ANPRM Comment Period End	06/03/88	53 FR 10906
NPRM	07/27/90	55 FR 30724
NPRM Comment Period End	09/25/90	
Final Action	10/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Analysis:** Regulatory Evaluation  
07/27/90 (55 FR 30724)



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**Additional Information:** Docket No. PS-100

**Agency Contact:** L.M. Furrow,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4560

**RIN:** 2137-AB49

### 2586. DETERMINING THE EXTENT OF CORROSION ON EXPOSED GAS PIPELINES

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1672

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** Corrosion is a major cause of gas and hazardous liquid pipeline accidents. A safety standard applicable to liquid pipelines requires operators to examine exposed pipe for evidence of external corrosion and, if harmful corrosion is found, to investigate further to determine the extent of the corrosion. As part of a continuing policy to adopt similar requirements for gas and liquid pipelines where appropriate for safety, this action proposes that exposed gas pipelines with evidence of harmful corrosion be investigated to determine the extent of the corrosion.

**Timetable:**

Action	Date	FR Cite
NPRM	06/27/89	54 FR 27041
NPRM Comment Period End	09/25/89	54 FR 27041
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
06/27/89 (54 FR 27041)

**Additional Information:** National Transportation Safety Board Recommendation P-87-3 provides a basis for this action. Docket No. PS-107

**Agency Contact:** K. Saunders,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-0524

**RIN:** 2137-AB50

### 2587. TRANSPORTATION REGULATIONS; COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1804; 49 USC 1805; 49 USC 1808

**CFR Citation:** 49 CFR 171 to 178

**Legal Deadline:** None

**Abstract:** This rulemaking would align the Hazardous Materials Regulations (HMR) with the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6. This action is necessary to implement practices and procedures that will improve safety in the transportation of radioactive materials and to facilitate international commerce.

**Timetable:**

Action	Date	FR Cite
Request for Comments; Comment Period End 12/23/88	11/21/88	53 FR 46973
NPRM	11/14/89	54 FR 47454
NPRM Comment Period Extended to 05/11/90	02/08/90	55 FR 4445
NPRM Comment Period End	02/09/90	
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:**  
Undetermined

**Analysis:** Regulatory Evaluation  
11/14/89 (54 FR 47454)

**Additional Information:** Docket HM-169A

**Agency Contact:** John Gale,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4488

**RIN:** 2137-AB60

### 2588. TRANSPORTATION OF HYDROGEN SULFIDE BY PIPELINE

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1672; 49 USC 1804

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** In a few reported instances, excessive amounts of hydrogen sulfide were introduced into natural gas pipelines. High concentrations of hydrogen sulfide are very detrimental to steel pipelines and extremely toxic. This action examined the need to establish a maximum allowable concentration and other control measures. Based upon public comments and the views of its gas pipeline advisory committee, RSPA has decided that the proposed rule is unnecessary to public safety.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/07/89	54 FR 24361
ANPRM Comment Period End	09/05/89	54 FR 24361
NPRM	03/18/91	56 FR 11490
NPRM Comment Period End	06/17/91	
To be Withdrawn	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
03/18/91 (56 FR 11490)

**Additional Information:** Docket No. PS-106

**Agency Contact:** C. De Leon,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-1640

**RIN:** 2137-AB63

### 2589. LEAKAGE SURVEYS

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1672

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** Many gas distribution operators look for signs of dying vegetation as a leak survey technique. This technique is not as effective as other available methods, and leaks have occurred in areas found safe by vegetation surveys. This action would require the use of alternative methods to meet the leak survey requirements, where appropriate, and clarify that leakage surveys must be conducted at least at 3-year minimum intervals on cathodically unprotected pipelines that are not electrically surveyed for corrosion.



DOT—RSPA

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	10/23/91	56 FR 54816
NPRM Comment Period End	12/23/91	
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/23/91 (56 FR 54816)

**Additional Information:** Docket No. PS-123

**Agency Contact:** L.M. Furrow,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590, 202 366-4560

**RIN:** 2137-AB64

**2590. CENTRALIZATION OF FORMAL HEARING DOCKETS (RSPA)**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC app 1421(c);  
49 USC app 1802; 49 USC app 1806; 49  
USC app 1808 to 1611; 49 USC 1653(d);  
49 USC 1655

**CFR Citation:** 49 CFR 107; 49 CFR 1.45;  
49 CFR 1.53

**Legal Deadline:** None

**Abstract:** This action would provide that documents and evidence in formal hearing cases adjudicated within the Research and Special Programs Administration (RSPA) will be filed and maintained in the OST Office of Documentary Services. The change would be made in order to streamline operations and to consolidate the documents used in formal hearing cases.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Joanne Petrie,  
Attorney, Department of  
Transportation, Research and Special  
Programs Administration, 400 Seventh  
Street SW., Washington, DC 20590, 202  
366-9308

**RIN:** 2137-AB91

**2591. IMPLEMENTATION OF THE ICAO TECHNICAL INSTRUCTIONS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1603 to 1808

**CFR Citation:** 49 CFR 171; 49 CFR 172;  
49 CFR 175

**Legal Deadline:** None

**Abstract:** This action would permit the offering, acceptance, and transportation by aircraft and by motor vehicle incident to transportation by aircraft, of hazardous materials shipments conforming to the most recent edition of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air. This action is necessary to facilitate the continued transport of hazardous materials in international commerce by aircraft pursuant to the latest edition of the ICAO Technical Instructions.

**Timetable:**

Action	Date	FR Cite
NPRM	11/07/90	55 FR 46839
NPRM Comment Period End	12/07/90	
SNPRM Comment Period End 2/18/92	01/16/92	57 FR 1891
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
11/07/90 (55 FR 46839)

**Additional Information:** Docket HM-184F.

**Agency Contact:** Frits Wybenga,  
International Standards Coordinator,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh St. SW., Washington, DC  
20590, 202 366-0658

**RIN:** 2137-AB99

**2592. ALLOCATION FORMULA FOR STATE GRANTS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1674; 49 USC  
2004

**CFR Citation:** 49 CFR 198

**Legal Deadline:** None

**Abstract:** RSPA makes funds (grants-in-aid) available to States to encourage them to participate in the cooperative

Federal/State pipeline safety program for gas and hazardous liquid pipelines. This action would revise the formula for allocating grant funds among qualified State agencies. The purpose is to improve program efficiency and encourage broader State responsibility.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/25/91	56 FR 7636
ANPRM Comment Period End	04/01/91	
NPRM	03/04/92	57 FR 7705
NPRM Comment Period End	04/03/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
03/04/92 (57 FR 7705)

**Additional Information:** Docket No. PS-119.

**Agency Contact:** G. T. Fortner,  
Department of Transportation, Research  
and Special Programs Administration,  
400 Seventh Street SW., Washington,  
DC 20590-0001, 202 366-4564

**RIN:** 2137-AC12

**2593. INCORPORATION BY REFERENCE OF VOLUNTARY STANDARDS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1672; 49 USC  
1804

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** The RSPA pipeline safety regulations incorporate by reference editions of various documents for which later editions have been published. This rulemaking updates those references to the later published editions.

**Timetable:**

Action	Date	FR Cite
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Final Action 04/00/93

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Initially, this project covered only the incorporation by reference of American Society of Testing Materials Specification D2513, concerning thermoplastic gas pressure piping systems. The project has been expanded to cover all other out-of-date



**DOT--RSPA**

**Final Rule Stage**

references as well as D2513. This rulemaking was formerly entitled "Thermoplastic Gas Pressure Piping Systems."

**Agency Contact:** C. Sames, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-7697

**RIN:** 2137-AC13

**2594. ● NOMENCLATURE CHANGES IN RULES**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1672; 49 USC 2002

**CFR Citation:** 49 CFR 190; 49 CFR 193

**Legal Deadline:** None

**Abstract:** This rulemaking will amend regulations to reflect agency organizational changes and make editorial corrections.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** C. Sames, Department of Transportation, Research and Special Programs Administration, 400 Seventh St. SW., Washington, DC 20590, 202 366-7697

**RIN:** 2137-AC19

**DEPARTMENT OF TRANSPORTATION (DOT)**

**Completed Actions**

**Research and Special Programs Administration (RSPA)**

**2595. + TRAINING FOR HAZARDOUS MATERIALS TRANSPORTATION**

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1804

**CFR Citation:** 49 CFR 172; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177

**Legal Deadline:** Final, Statutory, May 18, 1992.

Section 7, Hazardous Materials Transportation Uniform Safety Act of 1990.

**Abstract:** This rule established 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. This rulemaking is significant because of public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31144
NPRM Comment Period End	11/24/89	
Final Action	05/15/92	57 FR 20944
Correction to Final Rule	05/27/92	57 FR 22181
Final Action Effective	07/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/15/92 (57 FR 20944)

**Additional Information:** Docket No. HM-126F. Public hearings were held on 10/3/89 in Salt Lake City, Utah, and on 10/11/89 in Washington, DC.

**Agency Contact:** J. Smith, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

**RIN:** 2137-AB26

**2596. + REGISTRATION OF SHIPPERS AND CARRIERS OF HAZARDOUS MATERIALS**

**Significance:** Regulatory Program

**Legal Authority:** 49 USC 1804; 49 USC 1805

**CFR Citation:** 49 CFR 171; 49 CFR 173; 49 CFR 177

**Legal Deadline:** Final, Statutory, September 30, 1992.

**Abstract:** This rulemaking implemented section 8 of the Hazardous Materials Transportation Uniform Safety Act of 1990, which amended the Hazardous Materials Transportation Act to require that carriers and offerors of certain categories of hazardous materials file registration statements with the Department of Transportation, and pay fees to cover the costs of processing those statements and to support a public sector emergency response planning and training program. This rulemaking was significant because of the public interest and safety implications.

**Timetable:**

Action	Date	FR Cite
NPRM	10/10/91	56 FR 51294
Public Hearing Notice	11/07/91	56 FR 56962
NPRM Comment Period End	12/09/91	56 FR 51294
Final Action	07/09/92	57 FR 30620

Action	Date	FR Cite
Final Rule	08/21/92	57 FR 37900

Editorial Revisions: Reconsideration Petitions

Final Action Effective	08/31/92	
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**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/09/92 (57 FR 30620)

**Additional Information:** Docket No. HM-208.

**Agency Contact:** J. Nalevanko/B. Romo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4484

**RIN:** 2137-AB43

**2597. ● + CONTROL OF DRUG USE IN NATURAL GAS, LIQUIFIED NATURAL GAS, AND HAZARDOUS LIQUID PIPELINE OPERATIONS**

**Significance:** Agency Priority

**Legal Authority:** 49 USC 1672; 49 USC 2002

**CFR Citation:** 49 CFR 199

**Legal Deadline:** None

**Abstract:** This action extended the effective date of the pipeline drug rule for persons located outside the territory of the United States. Under this amendment, such persons would become subject to drug testing no later than 01/02/95. The delay in implementation is necessary to allow negotiation with foreign governments to continue in an orderly and effective



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Completed Actions

fashion. This action was considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
Final Action	07/14/92	57 FR 31279

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 07/14/92 (57 FR 31279)

**Agency Contact:** Richard L. Rippert, Alcohol and Drug Program Manager, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-6223

**RIN:** 2137-AC05

**2598. ODORIZATION OF LP GAS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1803 to 1806

**CFR Citation:** 49 CFR 172

**Legal Deadline:** None

**Abstract:** NPRM solicited comments on the benefit of requiring LP gas to be odorized to enhance its identification. Comments to the NPRM indicated that further study should be made before proceeding to a final rule. The proposal was withdrawn by final action published 08/10/87 (52 FR 29526), and notice was given that any further action would be handled under a separate docket. After further consideration, RSPA has determined that this action should be terminated and the docket has been closed.

**Timetable:**

Action	Date	FR Cite
Action Terminated	06/22/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/27/84 (49 FR 38164)

**Additional Information:** Docket No. HM-126E. An NPRM on this subject was published under Docket No. HM-126D on September 27, 1984 (49 FR 38164). The NPRM was withdrawn by final action published August 10, 1987, and new docket was opened.

**Agency Contact:** H. Engrum, Department of Transportation, Research and Special Programs Administration,

400 Seventh Street SW., Washington, DC 20590, 202 366-4488

**RIN:** 2137-AA25

**2599. GAS PIPELINES OPERATING ABOVE 72 PERCENT OF SPECIFIED MINIMUM YIELD STRENGTH**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1672

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** This proposal was to eliminate or qualify the "grandfather clause" in the gas pipeline safety regulations that permits operation of an existing rural or offshore gas pipeline found to be in satisfactory condition at the highest actual operating pressure to which the segment was subjected during the five years preceding July 1, 1970, or, in the case of an offshore gathering line, July 1, 1976. Based on comments to the ANPRM and pipeline safety data and analyses, RSPA has decided repeal or modification of the "grandfather clause" is unnecessary for public safety.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/11/89	54 FR 50780
Correction to ANPRM	12/18/89	54 FR 51816
ANPRM Comment	03/12/90	54 FR 50780
Period End		
Withdrawn	09/09/92	57 FR 41119

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Additional Information:** Formerly entitled: Operation of Existing Rural and Offshore Gas Pipelines at Stress Levels Higher Than Permitted for New Pipelines.

**Agency Contact:** L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1640

**RIN:** 2137-AB53

**2600. REVISION OF OPERATING REQUIREMENTS FOR RAIL CARRIAGE**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1803 to 1806

**CFR Citation:** 49 CFR 171; 49 CFR 174

**Legal Deadline:** None

**Abstract:** This action would have updated and revised the regulations contained in 49 CFR parts 171 and 174 which govern the transportation of hazardous materials by rail. However, this is a low-priority project that will be reactivated when resources and circumstances permit.

**Timetable:**

Action	Date	FR Cite
Action Terminated	06/22/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** "Fumigation," RIN 2137-AB41, was consolidated into this rulemaking, but is no longer being considered.

**Agency Contact:** J. Smith, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

**RIN:** 2137-AB55

**2601. ALTERNATIVE WELD DEFECT ACCEPTANCE CRITERIA**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1672; 49 USC 2002

**CFR Citation:** 49 CFR 192; 49 CFR 195

**Legal Deadline:** None

**Abstract:** The pipeline safety standards in 49 CFR parts 192 and 195 reference the workmanship standards of the American Petroleum Institute (API), "API Standard 1104," for the acceptance of weld defects. The Appendix to API Standard 1104 includes alternative acceptance criteria based on fracture mechanics. This action proposes to incorporate the Appendix by reference.

**Timetable:**

Action	Date	FR Cite
Merged with RINs 2137-AC25 and 2137-AC27	06/30/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** As the gas pipeline proposals in this project have been consolidated into RIN 2137-AC25,



## DOT—RSPA

## Completed Actions

"Regulatory Review: Gas Pipeline Safety Standards," and the hazardous liquid proposals in this project have been consolidated into RIN 2137-AC27, "Regulatory Review: Hazardous Liquid Pipeline Safety Standards," this project will no longer appear as a separate item in the Agenda.

**Agency Contact:** G. J. Wolf, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4560

**RIN:** 2137-AC03

**2602. PETROLEUM GAS SYSTEMS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1672

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** The gas pipeline safety standards in 49 CFR part 192 currently incorporate by reference the National Fire Protection Association Standards Nos. 58 and 59 for the design, installation, and operation of petroleum gas systems. However, these NFPA standards are not referenced for the design, installation, and operation of peak shaving plants used to supply petroleum gas to an otherwise natural gas distribution system, although NFPA Standard No. 59 is meant for that purpose. This action would extend the incorporation by reference of Standard No. 59 to include peak shaving plants. It also would redefine the term "petroleum gas" consistent with commercial usage.

**Timetable:**

Action	Date	FR Cite
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Consolidated into RIN 2137-AC25	06/30/92	
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**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** As this project has been consolidated into RIN 2137-AC25, "Regulatory Review: Gas Pipeline Safety Standards," it will no longer appear as a separate item in the Agenda.

**Agency Contact:** J. Willock, Department of Transportation, Research and Special Programs Administration,

400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4571

**RIN:** 2137-AC04

**2603. AMENDMENTS TO THE HAZARDOUS MATERIALS PROGRAM PROCEDURES**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1804; 49 USC 1812

**CFR Citation:** 49 CFR 107

**Legal Deadline:** None

**Abstract:** This rulemaking defines the preemption standard for State, political subdivision, and Indian tribe requirements that concern certain subjects addressed by the Hazardous Materials Regulations, and streamlines the preemption determination and waiver of preemption processes.

**Timetable:**

Action	Date	FR Cite
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NPRM	08/01/91	56 FR 36992
NPRM Comment Period End	09/03/91	
Final Action	05/13/92	57 FR 20424

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 05/13/92 (57 FR 20424)

**Additional Information:** Docket HM-207A.

**Agency Contact:** M. Crouter, Attorney, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4400

**RIN:** 2137-AC06

**2604. PUBLIC SECTOR EMERGENCY RESPONSE PLANNING AND TRAINING GRANTS**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1804; 49 USC 1805; 49 USC 1815

**CFR Citation:** 49 CFR 110

**Legal Deadline:** None

**Abstract:** This rulemaking implemented public sector planning and training grants to enhance existing programs for responding to accidents and incidents involving the transportation of hazardous materials. These grants are authorized by Section 117A of the Hazardous Materials Transportation

Act. Section 117A authorizes the Secretary of Transportation and other Federal agencies to provide financial and technical assistance to enhance hazardous materials emergency preparedness and training for State and local responders.

**Timetable:**

Action	Date	FR Cite
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NPRM	03/02/92	57 FR 7474
NPRM Comment Period End	05/01/92	
Final Action	09/17/92	57 FR 43062
Final Action Effective	10/19/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 09/17/92 (57 FR 43062)

**Additional Information:** Docket HM-209.

**Agency Contact:** Charles Rogoff, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4900

**RIN:** 2137-AC09

**2605. ● TEMPERATURE LIMITS FOR PLASTIC GAS PIPELINES**

**Significance:** Nonsignificant

**Legal Authority:** 49 USC 1672

**CFR Citation:** 49 CFR 192

**Legal Deadline:** None

**Abstract:** The gas pipeline safety standards would be amended to permit plastic pipe to be pressure tested at a temperature above 100 degrees Fahrenheit (F), and to be operated at a temperature below -20 degrees F. Changes in pipe technology have made current temperature limits inappropriate.

**Timetable:**

Action	Date	FR Cite
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Consolidated into RIN 2137-AC25	06/30/92	
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**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** As this project has been consolidated into RIN 2137-AC25, "Regulatory Review: Gas Pipeline Safety Standards," it will no longer appear as a separate item in the Agenda.



## DOT—RSPA

## Completed Actions

**Agency Contact:** K. Saunders,  
Department of Transportation, Research  
and Special Programs Administration,

400 Seventh St. SW., Washington, DC  
20590, 202 366-0524  
**RIN:** 2137-AC20

**DEPARTMENT OF TRANSPORTATION (DOT)**  
**Maritime Administration (MarAd)**

## Proposed Rule Stage

**2606. ● + CARGO PREFERENCE—  
U.S.-FLAG VESSELS; UNIFORM  
CONTRACTING REQUIREMENTS FOR  
FEDERAL PROGRAM PARTICIPANTS**

**Significance:** Agency Priority

**Legal Authority:** 46 USC App 1244

**CFR Citation:** 46 CFR Part 381

**Legal Deadline:** None

**Abstract:** MARAD is proposing amendments to its cargo preference regulations intended to ensure that U.S.-flag carriers of preference cargoes be allowed to carry such cargoes subject to standard commercial contract and contract tender terms that will allow them to avoid economic harm from discriminatory practices. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
10/00/92

**Agency Contact:** Judy Blackman,  
Director, Office of National Cargo, and  
Compliance, Department of  
Transportation, Maritime  
Administration, 400 Seventh Street SW.,  
Washington, DC 20590, 202 366-4610

**RIN:** 2133-AA95

**2607. ● + DETERMINATION OF FAIR  
AND REASONABLE GUIDELINE  
RATES FOR THE CARRIAGE OF BULK  
AND PACKAGED PREFERENCE  
CARGOES ON U.S.-FLAG  
COMMERCIAL VESSELS**

**Significance:** Agency Priority

**Legal Authority:** 46 USC app 1114; 46  
USC app 1241

**CFR Citation:** 46 CFR 382

**Legal Deadline:** None

**Abstract:** These regulations would  
amend the procedures for the

calculation of guideline rates for certain preference cargoes carried in U.S.-flag vessels that have been in effect since January 1, 1990. Based on MARAD's experience gained in administering these regulations and observing their effect on the industry, MARAD is proposing to make amendments that are more equitable to the operator and that will improve the performance of the fair and reasonable guideline rates. This action is considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** 441 Deep Sea  
Foreign Transportation of Freight

**Analysis:** Regulatory Evaluation  
10/00/92

**Agency Contact:** Arthur B. Sforza,  
Director, Office of Ship Operating  
Assistance, Department of  
Transportation, Maritime  
Administration, 400 Seventh Street  
NW., Washington, DC 20590, 202 366-  
2323

**RIN:** 2133-AA98

**2608. VALUES FOR WAR RISK  
INSURANCE; REVIEW OF WAR RISK  
INSURANCE VALUATION  
METHODOLOGY**

**Significance:** Nonsignificant

**Legal Authority:** 46 USC app 1114; 46  
USC app 1289

**CFR Citation:** 46 CFR 309; 46 CFR 308

**Legal Deadline:** None

**Abstract:** MARAD is considering  
comments received in response to an  
ANPRM and will propose a revised ship  
valuation methodology for the purpose  
of issuing war risk insurance. The  
existing methodology has been in effect  
since 1959.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/07/91	56 FR 21118
ANPRM Comment Period End	07/08/91	56 FR 21118
NPRM	11/00/92	

**Small Entities Affected:** Governmental  
Jurisdictions

**Government Levels Affected:** Federal

**Sectors Affected:** 441 Deep Sea  
Foreign Transportation of Freight; 442  
Deep Sea Domestic Transportation of  
Freight

**Analysis:** Regulatory Evaluation  
11/00/92

**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-AA89

**2609. AGENCY AGREEMENTS AND  
APPOINTMENT OF AGENTS**

**Significance:** Nonsignificant

**Legal Authority:** 50 USC app 1744

**CFR Citation:** 46 CFR 315; 46 CFR 316

**Legal Deadline:** None

**Abstract:** The National Shipping  
Authority (NSA) within the Maritime  
Administration (MARAD) proposes to  
amend its regulations at 46 CFR part  
315, concerning Agency Agreements,  
and incorporate therein provisions as  
revised, now found in Parts 316, 319,  
and 331, which parts are being removed  
in other rulemakings. This rulemaking  
would formalize MARAD's existing  
policy and procedure for appointing  
general agents and administering  
agency agreements by including in the  
regulations pertinent information that is  
consistent with a revised Service  
Agreement and Application for  
Appointment as General Agent that are  
being adopted by MARAD and a Ship  
Manager Contract that has been  
adopted.



## DOT—MarAd

## Proposed Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

**Sectors Affected:** 441 Deep Sea Foreign Transportation of Freight**Analysis:** Regulatory Evaluation**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a

paperwork burden associated with this action.

**Agency Contact:** Tim Roark, Chief, Division of Marine Acquisition, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1943

RIN: 2133-AA91

## DEPARTMENT OF TRANSPORTATION (DOT)

## Final Rule Stage

## Maritime Administration (MarAd)

## 2610. CENTRALIZATION OF FORMAL HEARING DOCKETS (MARAD)

**Significance:** Nonsignificant**Legal Authority:** 46 USC app 1114**CFR Citation:** 46 CFR 201**Legal Deadline:** None

**Abstract:** This final rule would provide that documents and evidence in formal hearing cases adjudicated within the Maritime Administration (MARAD) will be filed and maintained in the OST Office of Documentary Services. The change is being considered in order to streamline operations and to consolidate the documents used in formal hearing cases.

## Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Agency Contact:** Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2133-AA84

## 2611. PRIORITY USE AND ALLOCATION OF SHIPPING SERVICES, CONTAINERS, CHASSIS, AND PORT FACILITIES AND SERVICES FOR NATIONAL SECURITY AND NATIONAL DEFENSE RELATED OPERATIONS

**Significance:** Nonsignificant**Legal Authority:** 46 USC app 1114**CFR Citation:** 46 CFR 340**Legal Deadline:** None

**Abstract:** This revision would broaden the scope of the regulations to include chassis (a specialized trailer used in transporting a container) and chassis suppliers in the scheme of priority use and allocations of shipping services, containers and port facilities and services for national security and defense related operations to ensure that chassis are available for use by a defense agency in time of deployment of U.S. Armed Forces. The rule would be exempt from APA requirements of section 553(a)(1), since "a military or foreign affairs function of the United States" is involved.

## Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** State, Federal**Sectors Affected:** 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 971 National Security**Additional Information:** Status undetermined pending enactment of legislation to clarify legal authority for action prescribed in regulations.**Agency Contact:** John W. Carnes, Chief, Division of Port and Intermodal Operations, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4357

RIN: 2133-AA85

## 2612. ● MERCHANT MARINE TRAINING

**Significance:** Nonsignificant**Legal Authority:** 46 USC app 1114(b)**CFR Citation:** 46 CFR 310**Legal Deadline:** None**Abstract:** This action will amend provisions in MARAD's regulations governing admission and training at the United States Merchant Marine Academy to reflect and conform to provisions in PL 101-595 (Nov. 16, 1991).

## Timetable:

Action	Date	FR Cite
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Final Action 10/00/92

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Bruce J. Carlton, Director, Office of Maritime Labor and Training, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5755

RIN: 2133-AA94

## 2613. ● OPERATING-DIFFERENTIAL SUBSIDY (ODS) ON BULK CARGO VESSELS; CALCULATION OF MAINTENANCE AND REPAIR SUBSIDY RATES

**Significance:** Nonsignificant**Legal Authority:** 46 USC app 1114; 46 USC app 1173**CFR Citation:** 46 CFR 252**Legal Deadline:** None**Abstract:** This rule modifies the methodology and procedure MARAD uses for calculating and paying maintenance and repair (M&R) subsidy to operators of bulk cargo vessels that receive M&R subsidy under their ODS agreements. Payment is subject to findings by MARAD that M&R costs submitted by the subsidized operators are fair and reasonable and is subject to audit by the Department's Office of Inspector General. The amendment is intended to eliminate delay in



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Final Rule Stage

determining final ODS payment for M&R expenses.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Arthur B. Sforza, Director, Office of Ship Operating Costs, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC. 20590, 202 336-2323

**RIN:** 2133-AA99

**2614. ● FOREIGN TRANSFER OF DOCUMENTED VESSELS**

**Significance:** Nonsignificant

**Legal Authority:** 46 USC app 808

**CFR Citation:** 46 CFR 221

**Legal Deadline:** None

**Abstract:** The Maritime Administration (MARAD) is amending its regulations at 46 CFR 221 to lessen further the requirement for regulatory review of the foreign transfer of U.S. documented vessels and is clarifying the conditions that will apply to transfers requiring MARAD approval with respect to vessels determined by the Department of Defense to be militarily useful.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 971 National Security; 972 International Affairs

**Analysis:** Regulatory Evaluation 10/00/92

**Agency Contact:** Edmund T. Sommer, Jr., Acting Deputy Chief Counsel, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5711

**RIN:** 2133-AB00

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Maritime Administration (MarAd)

**2615. + REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS**

**Significance:** Regulatory Program

**Legal Authority:** 46 USC app 705; 46 USC app 802; 46 USC app 803; 46 USC app 808; 46 USC app 835; 46 USC app 839; 46 USC app 841a; 46 USC app 1195; 46 USC app 1114(b); PL 100-710

**CFR Citation:** 46 CFR 221

**Legal Deadline:** None

**Abstract:** This final rule amends MARAD's regulations regarding transfers of interests in U.S. documented vessels and approval of vessel mortgagees and trustees pursuant to PL 100-710. Publication of an interim final rule permitted implementation of the new law without a hiatus and minimized transitional uncertainty among the corporate and financial communities that are affected. This rulemaking is considered significant because of substantial public interest. In view of comments received to the first interim final rule, a new NPRM was published, and a second interim final rule issued.

**Timetable:**

Action	Date	FR Cite
ANPRM; RIN 2133-AA73; Comment Period End 01/03/89	11/02/88	53 FR 44208
Interim Final Rule	02/02/89	54 FR 5382
Correction to Interim Final Rule	02/27/89	54 FR 8195
NPRM; RIN 2133-AA73; Comment Period End 04/24/89	03/10/89	54 FR 10168
SNPRM; Comment Period End 06/12/90	04/13/90	55 FR 14040
Second Interim Final Rule; Comment Period End 09/03/91	07/03/91	56 FR 30654
Correction; 2nd Interim Final Rule	08/15/91	56 FR 40661
Correction; 2nd Interim Final Rule	09/12/91	56 FR 46387
Correction; 2nd Interim Final Rule	09/18/91	56 FR 47158
Final Action	06/03/92	57 FR 23470

Action	Date	FR Cite
Final Action Effective	06/03/93	57 FR 23470

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 971 National Security; 972 International Affairs

**Analysis:** Regulatory Evaluation 07/03/91 (56 FR 30654)

**Additional Information:** The first interim final rule became effective 02/02/89; RIN 2133-AA73 (Charters of MODU's) was merged with this rule on 06/29/89. The second interim final rule was effective 07/03/91.

**Agency Contact:** Robert J. Patton, Jr., Deputy Chief Counsel, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5711

**RIN:** 2133-AA79



DOT—MarAd

Completed Actions

**2616. + DETERMINATION OF FAIR AND REASONABLE GUIDELINE RATES FOR LESS THAN SHIPLOAD LOTS OF BULK PREFERENCE CARGOES CARRIED ON U.S.-FLAG LINER VESSELS**

**Significance:** Agency Priority  
**Legal Authority:** 46 USC app 1114(b)  
**CFR Citation:** 46 CFR 383  
**Legal Deadline:** None

**Abstract:** Revision of 46 CFR part 383 conforms many of its provisions to those in the regulations governing the calculation of guideline rates by the Maritime Administration (MARAD) for bulk preference cargoes carried on bulk vessels (46 CFR part 382). MARAD's experience in administering the bulk vessel regulations has demonstrated the need for comparable provisions in the liner regulations. The principal amendment is that MARAD would use the actual operating costs of each vessel type in the carriage of preference cargoes, rather than use a system of combined average and actual costs that has not accomplished its objectives. This rulemaking was considered significant because of substantial public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/91	56 FR 14905
NPRM Comment Period End	05/28/91	
Final Action Effective	01/02/92	57 FR 21033
Final Action	05/18/92	57 FR 21033

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 441 Deep Sea Foreign Transportation of Freight

**Analysis:** Regulatory Evaluation 04/12/91 (56 FR 14905)

**Agency Contact:** Arthur B. Sforza, Director, Office of Ship Operating Costs, Department of Transportation, Maritime Administration, 400 Seventh

Street SW., Washington, DC 20590, 202 366-2323

**RIN:** 2133-AA87

**2617. ● ADMINISTERING MAINTENANCE AND REPAIR SUBSIDY; AUDIT REQUIREMENTS AND PROCEDURES**

**Significance:** Nonsignificant  
**Legal Authority:** 46 USC app 1176  
**CFR Citation:** 46 CFR 272  
**Legal Deadline:** None

**Abstract:** These amendments affect those subsidized vessel operators receiving maintenance and repair (M&R) subsidy under their subsidy agreements. One amendment eliminates the disallowance of M&R subsidy payment where the operator does not timely file a repair summary or supplement with MARAD. The other clarifies that the Department of Transportation (DOT) Office of Inspector General (OIG) performs the required audit of an operator's M&R cost, pursuant to agreement between MARAD and the OIG.

**Timetable:**

Action	Date	FR Cite
Final Action	08/06/92	57 FR 34689
Final Action Effective	08/06/92	
Final Rule Correction	09/01/92	57 FR 39621

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/06/92 (57 FR 34689)

**Additional Information:** Because these amendments are deregulatory and clarifying in nature, good cause existed under 5 USC 553(d)(C3) for making them effective on publication; nor were notice and opportunity for comment applicable, as receipt of useful information was not anticipated.

**Agency Contact:** Joseph Seelinger, Chief, Division of Ship Maintenance

and Repair, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5776

**RIN:** 2133-AA96

**2618. ● OBLIGATION GUARANTEES**

**Significance:** Nonsignificant  
**Legal Authority:** 46 USC app 1114; 46 USC app 1273  
**CFR Citation:** 46 CFR 298  
**Legal Deadline:** None

**Abstract:** MARAD amended its regulations implementing its ship obligation guarantee program (Title XI Program) to shift from the applicant to MARAD the burden for making a computation that is a necessary part of the application for guarantees -- the Internal Rate of Return Computation. This will relieve an unnecessary burden on persons affected by these regulations.

**Timetable:**

Action	Date	FR Cite
Final Action	08/06/92	57 FR 34690
Final Rule Correction	09/01/92	57 FR 39621
Final Rule Correction	09/24/92	57 FR 44129

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation 08/06/92 (57 FR 34690)

**Additional Information:** This action is a matter of agency practice and procedure. Pursuant to 5 USC 553(b), requirements for notice and opportunity for public comment are not applicable.

**Agency Contact:** Mitchell Lax, Director, Office of Ship Financing, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5744

**RIN:** 2133-AA97

[FR Doc. 92-22806 Filed 11-02-92; 8:45 am]

BILLING CODE 4910-62-F







**REGULATORY  
AGENDA**

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**Tuesday  
November 3, 1992**

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**Part XV**

**Department of the  
Treasury**

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**Semiannual Regulatory Agenda**



## DEPARTMENT OF THE TREASURY (TREAS)

## DEPARTMENT OF THE TREASURY (TREAS)

## Departmental Offices (DO)

## DEPARTMENT OF THE TREASURY

31 CFR Subtitle A, Chs. I and II

## Semiannual Agenda

AGENCY: Departmental Offices,  
Treasury.

ACTION: Semiannual agenda.

**SUMMARY:** This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format

developed by the Regulatory Information Service Center (RISC).

**FOR FURTHER INFORMATION CONTACT:** For additional information about a specific Departmental Offices regulation, contact the "Agency Contact" listed in the specific regulatory action.

R. Blair Downing,  
Executive Secretary.

## Departmental Offices—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2619	17 CFR 402 Revisions to the Government Securities Act Regulations; Financial Responsibility; Minimum Capital Requirements.....	1505-AA44
2620	31 CFR 10 Revision of Circular 230; Practice Before the Internal Revenue Service.....	1505-AA45

## Departmental Offices—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2621	31 CFR 103 Proposed Amendments to the Bank Secrecy Act Regulations Regarding Reporting and Recordkeeping Requirements by Casinos.....	1505-AA10
2622	31 CFR 10 Due Diligence Standards With Respect to Persons Practicing Before the Internal Revenue Service.....	1505-AA17
2623	31 CFR 21 Restrictions on Lobbying.....	1505-AA35
2624	31 CFR 103 Money Laundering Through International Payments.....	1505-AA37
2625	31 CFR 103 Mandatory Aggregation of Currency Transactions for Certain Financial Institutions and Mandatory Magnetic Media Reporting of Currency Transaction Reports.....	1505-AA41
2626	17 CFR 403 Revisions to the Government Securities Act Regulations; Mortgage-Backed Securities.....	1505-AA42

## Departmental Offices—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2627	31 CFR 10 Practice Before the Internal Revenue Service; Advertising and Solicitation of Employment by Practitioners.....	1505-AA43



**DEPARTMENT OF THE TREASURY (TREAS)**

**Proposed Rule Stage**

**Departmental Offices (DO)**

**2619. REVISIONS TO THE GOVERNMENT SECURITIES ACT REGULATIONS; FINANCIAL RESPONSIBILITY; MINIMUM CAPITAL REQUIREMENTS**

**Legal Authority:** 31 USC 3121; 31 USC 9110; 15 USC 780-5

**CFR Citation:** 17 CFR 402; 17 CFR 404

**Legal Deadline:** None

**Abstract:** The proposal would raise the minimum capital requirements for all government securities brokers and dealers subject to the requirements of 17 CFR 402.2 and establish a written notification requirement for certain withdrawals of capital. This proposal is a companion rule to Security and Exchange Commission's previously proposed revised minimum capital requirements for brokers and dealers subject to the requirements of 17 CFR 240.15c3-1 and final rules regarding the withdrawal of capital.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Donald V. Hammond, Assistant Director, Government Securities Regulations Staff, Department of the Treasury, Bureau of the Public Debt, Room 209, 999 E Street NW., Washington, DC 20239-0001, 202 219-3632

**RIN:** 1505-AA44

**2620. ● REVISION OF CIRCULAR 230; PRACTICE BEFORE THE INTERNAL REVENUE SERVICE**

**Legal Authority:** 5 USC 301; 31 USC 321; 31 USC 330

**CFR Citation:** 31 CFR 10

**Legal Deadline:** None

**Abstract:** This rule would amend the regulations governing the practice of individuals before the Internal Revenue Service, and affect individuals who are eligible to practice before the Service. The regulations would (1) establish tax return preparation standards and prescribe the circumstances under which a practitioner could be disciplined for violations; (2) prohibit contingent fees for preparing tax returns; (3) extend certain existing restrictions governing limited practice before the Service to all individuals

eligible to engage in limited practice; (4) establish expedited proceedings to temporarily suspend, in cases where certain determinations have been made by independent bodies, individuals from practice before the Service; and (5) permit attorneys and certified public accountants in good standing to obtain or retain enrolled agent status.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** David L. Meyer, Attorney-Advisor, Department of the Treasury, Office of the Assistant Chief Counsel (Income Tax and Accounting), Internal Revenue Service, Washington, DC 20224, 202 622-6232

**RIN:** 1505-AA45

**DEPARTMENT OF THE TREASURY (TREAS)**

**Final Rule Stage**

**Departmental Offices (DO)**

**2621. PROPOSED AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS REGARDING REPORTING AND RECORDKEEPING REQUIREMENTS BY CASINOS**

**Legal Authority:** 31 USC 5311 to 5322; 12 USC 1829b; 12 USC 1951 to 1959

**CFR Citation:** 31 CFR 103

**Legal Deadline:** None

**Abstract:** The proposed regulations contain 16 amendments to the Bank Secrecy Act regulations that are designed to respond to substantial noncompliance with the current regulations by casinos.

**Timetable:**

Action	Date	FR Cite
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NPRM	08/18/88	53 FR 31370
NPRM Comment Period End	10/17/88	53 FR 31370
Comment Period Extension to	10/28/88	53 FR 43736
	11/14/88	

Action	Date	FR Cite
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Comment Period Extension to	12/01/88	53 FR 48551
	12/14/88	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Peter Djinnis, Director, Office of Financial Enforcement, Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 4320, Washington, DC 20220, 202 566-8022

**RIN:** 1505-AA10

**2622. DUE DILIGENCE STANDARDS WITH RESPECT TO PERSONS PRACTICING BEFORE THE INTERNAL REVENUE SERVICE**

**Legal Authority:** 5 USC 301; 31 USC 330; 31 USC 321

**CFR Citation:** 31 CFR 10

**Legal Deadline:** None

**Abstract:** The proposed regulation would modify the current regulations governing practice before the Internal Revenue Service by clarifying the requirements relating to due diligence standards imposed on tax practitioners.

**Timetable:**

Action	Date	FR Cite
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NPRM	08/14/86	51 FR 29113
Extend Public Comment Period to	08/27/86	51 FR 30510
	11/13/86	
NPRM Comment Period End	10/14/86	51 FR 29113
Extend Public Comment Period to	11/06/86	51 FR 40340
	02/13/87	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None



TREAS—DO

Final Rule Stage

**Agency Contact:** Leslie S. Shapiro, Director of Practice, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 535-6787

**RIN:** 1505-AA17

**2623. RESTRICTIONS ON LOBBYING**

**Legal Authority:** 31 USC 321; 31 USC 1352

**CFR Citation:** 31 CFR 21

**Legal Deadline:** None

**Abstract:** This document constitutes the Department of the Treasury's participation in a common rulemaking to prohibit certain recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative branches of the Federal Government in connection with a specific contract, grant, or loan.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Effective Date	02/26/90	55 FR 6736
Interim Final Rule Comment Period End	04/27/90	55 FR 6736

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Cathy Thomas, Office of Management Programs Directorate, Department of the Treasury, Room 2217, Washington, DC 20220, 202 343-0249

**RIN:** 1505-AA35

**2624. MONEY LAUNDERING THROUGH INTERNATIONAL PAYMENTS**

**Legal Authority:** 31 USC 5314; 31 USC 5318

**CFR Citation:** 31 CFR 103

**Legal Deadline:** None

**Abstract:** The Department of the Treasury expects to issue a notice of proposed rulemaking under the Bank Secrecy Act to address the problem of money laundering through international

payments, especially wire transfers of funds. This advance notice of proposed rulemaking requests comments on a number of regulatory options.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/31/89	54 FR 45769
ANPRM Comment Period End	01/02/90	54 FR 45770
NPRM	10/15/90	55 FR 41696
NPRM Comment Period End	11/29/90	55 FR 41696
Comment Period Extended to	12/05/90	55 FR 50192
	01/15/91	

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Linda Noonan, Senior Counsel for Financial Enforcement, Department of the Treasury, Room 2000, Washington, DC 20220, 202 566-2941

**RIN:** 1505-AA37

**2625. MANDATORY AGGREGATION OF CURRENCY TRANSACTIONS FOR CERTAIN FINANCIAL INSTITUTIONS AND MANDATORY MAGNETIC MEDIA REPORTING OF CURRENCY TRANSACTION REPORTS**

**Legal Authority:** 12 USC 1929b; 12 USC 1951 to 1959; 31 USC 5311 to 5326

**CFR Citation:** 31 CFR 103

**Legal Deadline:** None

**Abstract:** This regulation would require that banks with deposits of over \$100 million maintain systems to aggregate currency transactions that, at a minimum, are conducted by or on behalf of account holders at the bank and that affect an account during a business day; and require currency dealers and exchanges (including check cashers) and transmitters of funds, regardless of asset size, to maintain systems and procedures to aggregate currency transactions that are conducted by or on behalf of customers at the financial institution during a business day. The regulation also would require financial institutions that file more than 1,000 Currency Transaction Reports a year to file by use of magnetic media.

**Timetable:**

Action	Date	FR Cite
NPRM	09/06/90	55 FR 36663
NPRM Comment Period End	12/05/90	55 FR 36663

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Peter Djinnis, Director, Office of Financial Enforcement, Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 4320, Washington, DC 20220, 202 566-8022

**RIN:** 1505-AA41

**2626. REVISIONS TO THE GOVERNMENT SECURITIES ACT REGULATIONS; MORTGAGE-BACKED SECURITIES**

**Legal Authority:** 31 USC 3121; 31 USC 9110; 15 USC 780-5

**CFR Citation:** 17 CFR 403

**Legal Deadline:** None

**Abstract:** The proposed regulations would implement a buy-in requirement for: (1) mortgage-backed securities that are in a fail-to-receive status for more than 60 days, and (2) all Government securities that are needed to complete a sell order of a customer (other than a short sale) if the securities have not been received from the customer within ten business days after the settlement date.

**Timetable:**

Action	Date	FR Cite
NPRM	04/17/91	56 FR 15529
NPRM Comment Period End	06/16/91	56 FR 15529

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Clifford Rones, Attorney-Advisor, Government Securities Regulations Staff, Department of the Treasury, Bureau of the Public Debt, Room 209, 999 E Street NW., Washington, DC 20239-0001, 202 219-3632

**RIN:** 1505-AA42



**DEPARTMENT OF THE TREASURY (TREAS)**

**Completed Actions**

**Departmental Offices (DO)**

**2627. PRACTICE BEFORE THE INTERNAL REVENUE SERVICE; ADVERTISING AND SOLICITATION OF EMPLOYMENT BY PRACTITIONERS**

**Legal Authority:** 5 USC 330; 31 USC 321

**CFR Citation:** 31 CFR 10

**Legal Deadline:** None

**Abstract:** This notice proposes modifications to the regulations governing practice before the Internal Revenue Service (Treasury Department Circular 230). The modifications relate to the provisions addressing advertising and solicitation by those eligible to

practice before the Internal Revenue Service. The proposed modifications would conform the regulations to court decisions.

**Timetable:**

Action	Date	FR Cite
NPRM	04/22/91	56 FR 16289
NPRM Comment Period End	06/21/91	56 FR 16289
Final Action	09/09/92	57 FR 41093
Final Action Effective	09/09/92	57 FR 41093

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Scott Rosenzweig, Department of the Treasury, Internal Revenue Service, Office of Director of Practice, 1111 Constitution Avenue NW., Washington, DC 20224, 202 535-6787

**RIN:** 1505-AA43

[FR Doc. 92-23419 Filed 11-02-92; 8:45 am]

**BILLING CODE** 4810-25-F

**DEPARTMENT OF THE TREASURY (TREAS)**

**Financial Management Service (FMS)**

**Fiscal Service**

**31 CFR Ch. II**

**Semiannual Agenda**

**AGENCY:** Financial Management Service, Treasury.

**ACTION:** Semiannual agenda.

**SUMMARY:** This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354,

September 19, 1980) and Executive Order 12291 (Federal Regulation, February 17, 1981), which require publication of a semiannual agenda of regulations under development or review.

**FOR FURTHER INFORMATION CONTACT:** For additional information about a specific regulation contained in this agenda, contact the "Agency Contact" listed in the specific regulatory action.

**SUPPLEMENTARY INFORMATION:** The proposed regulations are not considered

to be major regulations within the meaning of E.O. 12291 and a regulatory impact analysis is not required. It is hereby certified that the proposed regulations will not have a significant economic impact on a substantial number of small entities; accordingly, a regulatory flexibility analysis is not required.

**Dated:** September 3, 1992.

**William F. Patriarca,**  
*Acting Commissioner.*

**Financial Management Service—Proposed Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
2628	31 CFR 210,(Revision) Federal Payments Made Through Financial Institutions by the Automated Clearing House Method (ACH) .....	1510-AA17
2629	31 CFR 210,(Revision) Federal Payments Made Through Financial Institutions by the Automated Clearing House Method (ACH) .....	1510-AA20
2630	31 CFR 203 Consolidation of 31 CFR 203 and 214 .....	1510-AA22
2631	31.CFR 251 Payment of Unclaimed Interest on Certain Awards of the Mixed Claims Commission, United States and Germany.....	1510-AA23
2632	31 CFR 253 Payment Under the Act of Congress Approved August 30, 1962 on Unpaid Balances of Awards of Philippine War Damage Commission .....	1510-AA24
2633	31 CFR 254 Payments on Accounts of Awards and Appraisals in Favor of Nationals of the United States on Claims Against the Government of Mexico.....	1510-AA25
2634	31 CFR 290 Loans to Public or Private Agencies Under the Refugee Relief Act of 1953 .....	1510-AA27
2635	31 CFR 209 Payment to Financial Institutions for Credit to Accounts of Employees and Beneficiaries.....	1510-AA30
2636	31 CFR 270 Availability of Records.....	1510-AA31
2637	31 CFR 235 Issuance of Settlement Checks For Forged Checks Drawn on Designated Depositories.....	1510-AA32



**TREAS—FMS**

**Financial Management Service—Final Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
2638	31 CFR 257 Payments on Account of Deposits in the Postal Savings System.....	1510-AA26
2639	31 CFR 250 Payment on Accounts of Award of the Foreign Claims Settlement Commission of the United States.....	1510-AA29
2640	31 CFR 206 Management of Federal Agency Receipts, Disbursements, and Operation of the Cash Management Improvement Fund .....	1510-AA34

**Financial Management Service—Completed Actions**

Se- quence Number	Title	Regulation Identifier Number
2641	31 CFR 203 Revision to 31 CFR 203 and 31 CFR 214 .....	1510-AA18
2642	31 CFR 205 Rules and Procedures for Fund Transfers .....	1510-AA19
2643	31 CFR 204 Responsibilities and Liabilities Under Letter of Credit—Treasury Financial Communications System (LOC-TFCS).....	1510-AA28
2644	31 CFR 211 Delivery of Treasury Checks to Albania.....	1510-AA33

**DEPARTMENT OF THE TREASURY (TREAS)  
Financial Management Service (FMS)**

**Proposed Rule Stage**

**2628. FEDERAL PAYMENTS MADE THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD (ACH)**

**Significance:** Regulatory Program  
**Legal Authority:** 5 USC 5525; 12 USC 391; 31 USC 321  
**CFR Citation:** 31 CFR 210,(Revision)  
**Legal Deadline:** None

**Abstract:** Revision of 31 CFR part 210 will provide reconciliation of Automated Clearing House regulations and private industry rules as set forth by the National Automated Clearing House Association. Also, they will support the technological changes being made in Benefit Payment Methods to include a more rapid time frame for the reclamation process and to establish rules for commercial-to-Government entries (collections).

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/93	
Final Action	11/00/93	

**Small Entities Affected:** Businesses  
**Government Levels Affected:** Federal

**Agency Contact:** Janelle Edgar, Financial Program Specialist, Electronic Initiatives Branch, Financial Innovation Division, Department of the Treasury, Financial Management Service, 401 14th Street SW., Washington, DC 20227, 202 874-6644

**RIN:** 1510-AA17

**2629. FEDERAL PAYMENTS MADE THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD (ACH)**

**Significance:** Agency Priority  
**Legal Authority:** 5 USC 5525; 12 USC 391; 31 USC 321

**CFR Citation:** 31 CFR 210,(Revision)

**Legal Deadline:** None

**Abstract:** Revision of 31 CFR part 210 will clarify that the Federal Reserve Bank may set the medium used to receive Government ACH transactions.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/92	57 FR 34650
NPRM Comment Period End	10/05/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Janelle Edgar, Financial Program Specialist, Electronic Initiatives Branch, Financial Innovation Division, Department of the Treasury, Financial Management Service, 401 14th Street SW., Washington, DC 20227, 202 874-6644

**RIN:** 1510-AA20

**2630. ● CONSOLIDATION OF 31 CFR 203 AND 214**

**Significance:** Agency Priority  
**Legal Authority:** 31 USC 3122; 31 USC 323; 12 USC 285; 12 USC 391

**CFR Citation:** 31 CFR 203; 31 CFR 214

**Legal Deadline:** None

**Abstract:** This rule proposes to amend by revising the regulations found at 31 CFR Part 203 to more accurately reflect current practices, expand certain sections to clarify their intent, incorporate related regulations that currently appear in Part 214, and correct a number of editorial errors in the text.



## TREAS—FMS

## Proposed Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment	00/00/00	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Kathryn Miller, Bank Review Branch, Department of the Treasury, Financial Management Service, Room 420A, 401 14th Street SW., Washington, DC 20227, 202 874-6590

**RIN:** 1510-AA22

**2631. ● PAYMENT OF UNCLAIMED INTEREST ON CERTAIN AWARDS OF THE MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY**

**Significance:** Agency Priority

**Legal Authority:** 45 Stat. 254, Sec. 2(d) as amended

**CFR Citation:** 31 CFR 251

**Legal Deadline:** None

**Abstract:** This document proposes to remove the regulation governing the payment of unclaimed interest on awards of the Mixed Claims Commission. This regulation is obsolete. No applications for payments have been filed against this fund in at least 5 years by the person(s) entitled thereto. The effect of this notice is to remove an unnecessary regulation.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment	00/00/00	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mia Abeya, Branch Manager, Credit Accounting Branch, Department of the Treasury, Financial Management Service, Room 500C, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8740

**RIN:** 1510-AA23

**2632. ● PAYMENT UNDER THE ACT OF CONGRESS APPROVED AUGUST 30, 1962 ON UNPAID BALANCES OF AWARDS OF PHILIPPINE WAR DAMAGE COMMISSION**

**Significance:** Agency Priority

**Legal Authority:** 50 USC app 1751 to 1806 note, 76 Stat. 412

**CFR Citation:** 31 CFR 253

**Legal Deadline:** None

**Abstract:** This document proposes to remove the regulation governing payment of unpaid balances of awards of the Philippine War Damage Commission. This regulation is obsolete. The time for applying for payment, and making the payment, have passed. The effect of this notice is to remove an unnecessary regulation.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment	00/00/00	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mia Abeya, Branch Manager, Credit Accounting Branch, Department of the Treasury, Financial Management Service, Room 500C, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8740

**RIN:** 1510-AA24

**2633. ● PAYMENTS ON ACCOUNTS OF AWARDS AND APPRAISALS IN FAVOR OF NATIONALS OF THE UNITED STATES ON CLAIMS AGAINST THE GOVERNMENT OF MEXICO**

**Significance:** Agency Priority

**Legal Authority:** 56 Stat. 1062; 22 USC 661 to 672

**CFR Citation:** 31 CFR 254

**Legal Deadline:** None

**Abstract:** This document proposes to remove this regulation governing payment to United States nationals on their claims against the government of Mexico. This regulation is obsolete. No claims have been made in more than 5 years and all efforts to contact all awardholders have been exhausted. The effect of this regulation is to remove an unnecessary regulation.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment	00/00/00	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mia Abeya, Branch Manager, Credit Accounting Branch, Department of the Treasury, Financial Management Service, Room 500C, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8740

**RIN:** 1510-AA25

**2634. ● LOANS TO PUBLIC OR PRIVATE AGENCIES UNDER THE REFUGEE RELIEF ACT OF 1953**

**Significance:** Agency Priority

**Legal Authority:** EO 10487; 67 Stat. 406; 50 USC app 1971 to 1971q, note

**CFR Citation:** 31 CFR 290

**Legal Deadline:** None

**Abstract:** This document proposes to remove the regulation governing loans to public and private agencies of the United States under the Refugee Relief Act of 1953. This regulation is obsolete because the terms of the Act require the loans to mature not later than June 30, 1963. The effect of this notice is to remove an unnecessary regulation.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment	00/00/00	
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mia Abeya, Branch Manager, Credit Accounting Branch, Department of the Treasury, Financial Management Service, Room 500C, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8740

**RIN:** 1510-AA27

**2635. ● PAYMENT TO FINANCIAL INSTITUTIONS FOR CREDIT TO ACCOUNTS OF EMPLOYEES AND BENEFICIARIES**

**Significance:** Agency Priority

**Legal Authority:** 31 USC 321; 31 USC 3322; 31 USC 3332

**CFR Citation:** 31 CFR 209

**Legal Deadline:** None

**Abstract:** The Financial Management Service is seeking to revise and clarify 31 CFR Part 209. The Federal Government disburses payment by both check and Electronic Funds Transfer methods. This revision generalizes the regulation to show that financial



TREAS—FMS

Proposed Rule Stage

institutions may receive payment on behalf of a Federal Government payment recipient by Electronic Funds Transfer or check. A nomenclature change is being made to change references to "check" to read "payment." This revision also reflects procedural changes for savings allotment for payment recipients who receive their payment by Direct Deposit. The intended effect of this notice is to clarify the meaning of the rule by revising the language to comply with current operating procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donna Kotelnicki, Program Analyst, Department of the Treasury, Financial Management Service, Room 321A, 401 14th Street SW., Washington, DC 20227, 202 874-6871

RIN: 1510-AA30

2636. ● AVAILABILITY OF RECORDS

Significance: Agency Priority

Legal Authority: 5 USC 552

CFR Citation: 31 CFR 270

Legal Deadline: None

Abstract: The Financial Management Service proposes to revise its regulations to provide more accurate information to the public concerning where to send requests for information and the fees that will be charged for services. This revision also includes editorial changes for clarity and address changes.

Timetable:

Action	Date	FR Cite
NPRM	09/09/92	57 FR 41117
NPRM Comment Period End	10/09/92	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rita Franklin, Branch Manager, Programs Branch, Department of the Treasury, Financial Management Service, Room 101, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-6300

RIN: 1510-AA31

2637. ● ISSUANCE OF SETTLEMENT CHECKS FOR FORGED CHECKS DRAWN ON DESIGNATED DEPOSITARIES

Significance: Agency Priority

Legal Authority: 31 USC 3343

CFR Citation: 31 CFR 235

Legal Deadline: None

Abstract: This rule amends existing regulations governing the issuance of settlement checks drawn on the United States Treasury and drawn on designated depositories of the United States by accountable officers of the United States, that have been negotiated and paid on a forged or unauthorized endorsement. The changes are required due to the fact that the Check Forgery Insurance Fund has been closed pursuant to 31 USC 1555 which provides for closure of accounts where there have been no disbursements over a 2 year period.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ronald Brooks, Management Analyst, Adjudication Division, Department of the Treasury, Financial Management Service, Room 800F, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8489

RIN: 1510-AA32

DEPARTMENT OF THE TREASURY (TREAS)

Financial Management Service (FMS)

Final Rule Stage

2638. ● PAYMENTS ON ACCOUNT OF DEPOSITS IN THE POSTAL SAVINGS SYSTEM

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 725p

CFR Citation: 31 CFR 257

Legal Deadline: None

Abstract: This document proposes to remove the regulation governing payment on account of deposits in the Postal Savings System. This regulation is obsolete. Applications for payment are precluded by the Postal Savings System Statute of Limitations Act of 1984 (Pub. L. 98-359). The effect of this notice is to remove an unnecessary regulation.

Timetable:

Action	Date	FR Cite
NPRM	08/18/92	57 FR 37139
NPRM Comment Period End	09/17/92	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mia Abeya, Branch Manager, Credit Accounting Branch, Department of the Treasury, Financial Management Service, Room 500C, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8740

RIN: 1510-AA26

2639. ● PAYMENT ON ACCOUNTS OF AWARD OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Significance: Agency Priority

Legal Authority: Sec. 7, 64 Stat. 16; Sec. 310, 69 Stat. 573; Sec. 413, 72 Stat. 530; Sec. 213, 76 Stat. 1111; 22 USC 1626; 22 USC 1641i; 22 USC 1642i; 50 USC app 2017l

CFR Citation: 31 CFR 250

Legal Deadline: None

Abstract: Treasury is revising its regulations to update the mailing address for the forwarding of forms used in connection with the payment on awards certified to the Secretary of the Treasury by the Foreign Claims Settlement Commission.



**TREAS—FMS**

**Final Rule Stage**

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Mia Abeya, Branch Manager, Credit Accounting Branch, Department of the Treasury, Financial Management Service, Room 500C, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8740

**RIN:** 1510-AA29

**2640. ● MANAGEMENT OF FEDERAL AGENCY RECEIPTS, DISBURSEMENTS, AND OPERATION OF THE CASH MANAGEMENT IMPROVEMENT FUND**

**Significance:** Regulatory Program

**Legal Authority:** 5 USC 301; 31 USC 321; 31 USC 3301; 31 USC 3302; 31 USC 3335; 31 USC 3720

**CFR Citation:** 31 CFR 206

**Legal Deadline:** Final, Statutory, October 24, 1992.

**Abstract:** This regulation revises collection and deposit regulations requiring timely methods for the collection and deposit of Federal funds. The revisions, authorized by the Cash Management Improvement Act of 1990, require executive agencies to use effective, efficient disbursement mechanisms in the delivery of payments. Noncompliance by agencies will result in a charge equal to the cost of noncompliance to the Treasury's General Fund. By implementing the Act, the amended regulations will ensure efficient and effective disbursements of funds by October 24, 1992. These regulations have as a goal the electronic disbursement of all Federal funds. These revisions to 31 CFR part

206 reflect changes that implement Section 4 of the Cash Management Improvement Act.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	10/24/92	
NPRM	10/00/92	
NPRM Comment Period End	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** John Galligan, Project Manager, Cash Management Improvement Act, Department of the Treasury, Financial Management Service, 401 14th Street SW., Washington, DC 20227, 202 874-6935

**RIN:** 1510-AA34

**DEPARTMENT OF THE TREASURY (TREAS)  
Financial Management Service (FMS)**

**Completed Actions**

**2641. REVISION TO 31 CFR 203 AND 31 CFR 214**

**Completed:**

Reason	Date	FR Cite
Withdrawn - Duplicate of RIN 1510-AA20	08/13/92	

**RIN:** 1510-AA18

Federal Government interest on funds transferred before the immediate need to redeem checks; and 4) the Federal Government pay States interest when States expend their own funds for Federal programs. This regulation ensures that neither the Federal Government nor the States benefit or suffer financially when transferring funds. (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	03/23/92	57 FR 10102
NPRM Comment Period End	05/07/92	
Final Action	09/24/92	57 FR 44272
Final Action Effective	10/24/92	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Additional Information:** ABSTRACT CONT: This regulation requires the Federal Government to reimburse the States for costs directly related to interest calculations. There is a paperwork burden identified for this regulation.

**Agency Contact:** John Galligan, Project Manager, Cash Management Improvement Act, Department of the Treasury, Financial Management Service, 401 14th Street SW., Washington, DC 20227, 202 874-6935

**RIN:** 1510-AA19

**2643. ● RESPONSIBILITIES AND LIABILITIES UNDER LETTER OF CREDIT—TREASURY FINANCIAL COMMUNICATIONS SYSTEM (LOC-TFCS)**

**Significance:** Agency Priority

**Legal Authority:** 31 USC 321; 31 USC 3325; 31 USC 3332; 31 USC 6503

**CFR Citation:** 31 CFR 204

**Legal Deadline:** None

**Abstract:** The Financial Management Service is removing sections 204.1, 204.2, 204.3, 204.4, 204.5, and 204.6. This action removes the Letter of Credit - Treasury Financial Communications System (LOC-TFCS) regulations from this Part. Part 204 is reserved. Use of the funds transfer system described in this Part, known as LOC-TFCS, was discontinued as of December 1991, and is no longer available for use by

**2642. RULES AND PROCEDURES FOR FUND TRANSFERS**

**Significance:** Regulatory Program

**Legal Authority:** 31 USC 321; 31 USC 3335; 31 USC 6501; 31 USC 6503; 5 USC 301

**CFR Citation:** 31 CFR 205

**Legal Deadline:** Final, Statutory, October 24, 1992.

**Abstract:** This regulation implements the Cash Management Improvement Act of 1990, which requires that: 1) Federal and State governments minimize the time between the transfer of funds from the U.S. Treasury and the redemption of checks by States; 2) the Secretary of the Treasury enter into an agreement with each State to specify funding techniques; 3) States pay the



TREAS—FMS

Completed Actions

Federal program agencies, commercial banks, or the Federal Reserve System.

Timetable:

Action	Date	FR Cite
Final Action	09/03/92	57 FR 40329
Final Action Effective	09/03/92	

Small Entities Affected: None  
 Government Levels Affected: None

Agency Contact: Tom Maloney, Program Analyst, Department of the Treasury, Financial Management Service, Room 321D, 401 14th Street SW., Washington, DC 20227, 202 874-6901

RIN: 1510-AA28

2644. ● DELIVERY OF TREASURY CHECKS TO ALBANIA

Significance: Agency Priority  
 Legal Authority: 31 USC 321; 5 USC 301

CFR Citation: 31 CFR 211

Legal Deadline: None

Abstract: This final rule revises the regulations governing the delivery of checks outside the United States by removing the reference to the former People's Republic of Albania. With the resumption of diplomatic relations, there is reasonable assurance that payees residing in Albania will receive and be able to negotiate checks for full value.

Timetable:

Action	Date	FR Cite
Final Action	09/30/92	57 FR 44998
Final Action Effective	09/30/92	

Small Entities Affected: None  
 Government Levels Affected: Federal

Agency Contact: William S. Mehr, Chief, Support Service Section, Product Integrity Division, Department of the Treasury, Financial Management Service, 401 14th Street, SW., Washington, DC 20227, 202 874-6932

RIN: 1510-AA33

[FR Doc. 92-24176 Filed 11-02-92; 8:45 am]  
 BILLING CODE 4810-35-F

DEPARTMENT OF THE TREASURY (TREAS)

Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 747]

Unified Agenda of Federal Regulations

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

ACTION: General notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section 5 of Executive Order 12291 entitled "Federal Regulation," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed

regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive order within the next 6 months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations

will be published in the Federal Register of April 1993.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact" for the regulatory project.

For general information about this general notice, contact Angela Shanks, Revenue Programs Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, (202) 927-8230.

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

Dated: August 7, 1992.  
 Stephen E. Higgins,  
 Director.

Bureau of Alcohol, Tobacco and Firearms—Prerule Stage

Se-quence Number	Title	Regulation Identifier Number
2645	27 CFR 250 Recodification of 27 CFR Part 250 as 27 CFR Part 26.....	1512-AA69
2646	27 CFR 27 Recodification of 27 CFR Part 251 as 27 CFR Part 27.....	1512-AA72
2647	27 CFR 7 Standard of Identity for Malt Liquor.....	1512-AA95
2648	27 CFR 28 Recodification of 27 CFR Part 252 as 27 CFR Part 28.....	1512-AA98
2649	27 CFR 290 Exportation of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax.....	1512-AB03



## TREAS—BATF

## Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2650	27 CFR 9 American Viticultural Areas.....	1512-AA07
2651	27 CFR 197 Nonbeverage Drawback.....	1512-AA20
2652	27 CFR 4 Winegrape Varietal Designations.....	1512-AA67
2653	27 CFR 7.22(b)(7) Disclosure of Aspartame in The Labeling of Malt Beverages.....	1512-AB07
2654	27 CFR 4 Grape Wine Designation - Gamay Beaujolais.....	1512-AB08
2655	27 CFR 6 Revision Of The Trade Practice Regulations.....	1512-AB10
2656	27 CFR 55.121 Rewrite Records and Reports in Regulations Part 55.....	1512-AB02
2657	27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes.....	1512-AA33

## Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2658	27 CFR 4 Wine Labeling Regulation Issues.....	1512-AA31
2659	27 CFR 16 Health Warning Statement on Labels of Alcoholic Beverages Request for Information.....	1512-AA82
2660	27 CFR 4 Definition of "Brand Label" for Wine; and Standard Wine Containers.....	1512-AA87
2661	27 CFR 24.182 Wine Treating Materials and Processes.....	1512-AA89
2662	27 CFR 24.273 Change in The Frequency of Filing Reports of Bonded Wine Premises Operations and Wine Excise Tax Return.....	1512-AB06
2663	27 CFR 4.21 Labeling Of Bulk Process Sparkling Wine.....	1512-AB09
2664	27 CFR 178 Imported Parts.....	1512-AA93
2665	27 CFR 70.511 to 70.526 27 CFR Part 70 - Conference and Practice Requirements For The Bureau of Alcohol, Tobacco and Firearms.....	1512-AB11
2666	27 CFR 70.61 27 CFR Part 70 - Delegation Of Authority To Accept Checks and Waive Penalties.....	1512-AB12
2667	27 CFR 70.307 27 CFR Part 70 - Procedures Involving Taxpayer Interviews; Recording of Interviews.....	1512-AB13
2668	27 CFR 70.201 27 CFR Part 70 - Civil Causes of Action For Unauthorized Collection Actions and For Failure to Release a Lien and Awarding of Cost and Certain Fees.....	1512-AB14
2669	27 CFR 270.11 Manufacturer's Identification on Tobacco Products Packages.....	1512-AA28

## Bureau of Alcohol, Tobacco and Firearms—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2670	27 CFR 4.35 Winemaking Terminology.....	1512-AA70
2671	27 CFR 5.47a Standards of Fill for Distilled Spirits.....	1512-AA96
2672	27 CFR 5.22 Standards of Identity for Distilled Spirits.....	1512-AA97
2673	27 CFR 20.11 Specially Denatured Spirits, Miscellaneous Amendments.....	1512-AB01
2674	27 CFR 47 Part 47 Importation of Certain Items From Former Warsaw Pact Countries.....	1512-AA94
2675	27 CFR 47.43(a) Importation of Arms, Ammunition and Implements of War and Machine Guns, Devices and Certain Other Firearms.....	1512-AA99
2676	27 CFR 53.151 Firearms and Ammunition Excise Taxes.....	1512-AB00



**DEPARTMENT OF THE TREASURY (TREAS)**  
**Bureau of Alcohol, Tobacco and Firearms (BATF)**

**Prerule Stage**

**ALCOHOL**

**2645. RECODIFICATION OF 27 CFR PART 250 AS 27 CFR PART 26**

**Significance:** Agency Priority  
**Legal Authority:** 26 USC 7651 to 7652; PL 85-859; 26 USC 5314; 26 USC 7805  
**CFR Citation:** 27 CFR 250  
**Legal Deadline:** None

**Abstract:** As part of the recodification of part 250, we plan to simplify, consolidate and or eliminate as many sections of regulations as possible placing particular emphasis on reducing the number of recordkeeping requirements, forms, and customs responsibilities. Wherever possible, we plan to utilize a proprietor's commercial records in lieu of requiring the proprietor to submit public use forms. These changes to part 250 should considerably reduce the burden hours on industry.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/08/92	57 FR 40885
ANPRM	10/08/92	
Comment Period End		

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230  
**RIN:** 1512-AA69

**2646. RECODIFICATION OF 27 CFR PART 251 AS 27 CFR PART 27**

**Significance:** Agency Priority  
**Legal Authority:** 26 USC 7805  
**CFR Citation:** 27 CFR 27; 27 CFR 251  
**Legal Deadline:** None

**Abstract:** To update and clarify regulations relating to the Importation of Distilled Spirits, Wine, and Beer and to incorporate related ATF Rulings into the regulations. To reduce or eliminate certain reporting requirements and reduce burden on industry.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/08/92	57 FR 40886
ANPRM	10/08/92	
Comment Period End		

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Ed Reisman, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington DC 20226, 202 927-8210  
**RIN:** 1512-AA72

**2647. ● STANDARD OF IDENTITY FOR MALT LIQUOR**

**Significance:** Agency Priority  
**Legal Authority:** 27 USC 205(e)  
**CFR Citation:** 27 CFR 7  
**Legal Deadline:** None

**Abstract:** A coalition of consumer organizations has petitioned ATF to establish a standard of identity for the labeling of malt liquor. Currently there are no standards of identity for any malt beverages. ATF is considering proposing standards of identity for the various classes and types of malt beverages.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/92	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Charles Bacon, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230  
**RIN:** 1512-AA95

**2648. ● RECODIFICATION OF 27 CFR PART 252 AS 27 CFR PART 28**

**Significance:** Agency Priority  
**Legal Authority:** 26 USC 7805  
**CFR Citation:** 27 CFR 28; 27 CFR 252  
**Legal Deadline:** None

**Abstract:** To update and clarify regulations relating to the exportation of Distilled Spirits, Wine, and Beer and to incorporate related ATF Rulings into

the regulations. To reduce or eliminate certain reporting requirements and reduce burden on industry.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/08/92	57 FR 40887
ANPRM	10/08/92	
Comment Period End		

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8210  
**RIN:** 1512-AA98

**TOBACCO PRODUCTS**

**2649. ● EXPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX**

**Significance:** Agency Priority  
**Legal Authority:** 26 USC 7805  
**CFR Citation:** 27 CFR 290  
**Legal Deadline:** None

**Abstract:** ATF is proposing the recodification of 27 CFR part 290 in order to reduce recordkeeping and reporting requirements. This proposal will provide for the use of commercial records in lieu of U.S. Customs's supervision and certification. The elimination of the certification forms as well as other forms will also result from this proposal.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/08/92	58 FR 40889
ANPRM	10/08/92	
Comment Period End		

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Agency Contact:** Mary Wood, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8210  
**RIN:** 1512-AB03



## DEPARTMENT OF THE TREASURY (TREAS)

## Proposed Rule Stage

## Bureau of Alcohol, Tobacco and Firearms (BATF)

## ALCOHOL

## 2650. AMERICAN VITICULTURAL AREAS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Legal Deadline: None

**Abstract:** Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

## Timetable:

Atlas Peak Viticultural Area (contact Charles Bacon)

NPRM 08/07/91 (56 FR 37501)

Final Rule 01/23/92 (57 FR 2679)

Benmore Valley, CA (contact Charles Bacon)

NPRM 05/13/91 (56 FR 21971)

Final Rule 10/18/91 (56 FR 52190)

Dunnigan Hills, CA (contact Marj Dundas)

NPRM 11/00/92

Escondido Valley, TX (contact Robert White)

NPRM 10/25/91 (56 FR 46135)

Final Rule 05/15/92 (57 FR 20760)

Final Rule Effective 06/15/92

Oakville Valley, CA (contact Robert White)

NPRM 09/17/91 (56 FR 47039)

NPRM Reopening of Comment Period 04/22/92 (57 FR 14681)

Reopening of Comment Period End 07/21/92

Notice of Public Hearing 10/02/92 (57 FR 45588)

Date of Public Hearing 12/10/92

Rutherford Valley, CA (contact Robert White)

NPRM 09/17/91 (56 FR 47044)

NPRM Reopening of Comment Period 04/22/92 (57 FR 14681)

Reopening of Comment Period End 07/21/92

Notice of Public Hearing 10/02/92 (57 FR 45588)

Date of Public Hearing 12/09/92

Santa Lucia Highlands, CA (contact David Brokaw)

NPRM 08/15/91 (56 FR 40583)

Final 05/15/92 (57 FR 20762)

Spring Mountain, CA (contact Marj Dundas)

NPRM 06/04/92 (57 FR 23559)

NPRM Comment Period End 08/03/92

Texas High Plains, TX (contact Marj Dundas)

NPRM 09/30/92 (57 FR 45009)

NPRM Comment Period End 11/16/92

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** See Timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650

Massachusetts Avenue NW.,  
Washington DC 20226, 202 927-8230

RIN: 1512-AA07

## 2651. NONBEVERAGE DRAWBACK

Significance: Agency Priority

Legal Authority: 26 USC 5131

CFR Citation: 27 CFR 197

Legal Deadline: None

**Abstract:** To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

## Timetable:

Action	Date	FR Cite
NPRM	07/29/87	52 FR 28286
NPRM Comment Period End	10/29/87	
NPRM	08/31/92	57 FR 39536
NPRM Comment Period End	09/30/92	
NPRM Extended Comment Period	10/01/92	57 FR 45357
NPRM Extended Comment Period End	10/30/92	
Final Action	06/00/93	

## Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4392
NPRM Comment Period End	04/07/86	
NPRM Comment Period Extended	04/08/86	51 FR 11944
NPRM Extended Comment Period End	07/07/86	
NPRM	09/03/92	57 FR 40380
NPRM Comment Period End	10/05/92	
Final Action	05/00/93	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Charles Bacon, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington DC 20226, 202 927-8230

RIN: 1512-AA67

## 2653. ● DISCLOSURE OF ASPARTAME IN THE LABELING OF MALT BEVERAGES

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 7.22(b)(7)

Legal Deadline: None

**Abstract:** ATF is proposing to amend the regulations in 27 CFR part 7 labeling and advertising of Malt Beverages to incorporate a recent change in the Food and Drug Administrations (FDA) Food Additive regulations to provide for the safe use of Aspartame a sweetener in Malt Beverages products.

## Timetable:

Action	Date	FR Cite
NPRM	11/00/92	

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Brokaw, David, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512-AB07

## 2654. ● GRAPE WINE DESIGNATION - GAMAY BEAUJOLAIS

Significance: Agency Priority



## TREAS—BATF

## Proposed Rule Stage

**Legal Authority:** 27 USC 205(e)**CFR Citation:** 27 CFR 4**Legal Deadline:** None

**Abstract:** Gamay Beaujolais has been used as a term to identify certain wines made from pinot noir or Napa Gamay grapes. Since Gamay Beaujolais is not the name of a grape variety, its usage on wine labels may be incorrect. A notice of proposed rulemaking will consider labeling requirements for use of this term. This rulemaking project was formerly included in rulemaking for winegrape varietal designation, RIN 1512-AA67.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Charles Bacon, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512-AB08

**2655. ● REVISION OF THE TRADE PRACTICE REGULATIONS****Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 6; 27 CFR 8; 27 CFR 10; 27 CFR 11**Legal Deadline:** None

**Abstract:** The intent of the proposed revisions and amendments will be to further liberalize permitted market

practices within the existing statutory framework as well as to update, simplify, and/or clarify various interpretations of the Federal Alcohol Administration Act.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** David Brokaw, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512-AB10

**FIREARMS****2656. ● REWRITE RECORDS AND REPORTS IN REGULATIONS PART 55****Significance:** Agency Priority**Legal Authority:** 18 USC 847**CFR Citation:** 27 CFR 55.121**Legal Deadline:** None

**Abstract:** Subpart G is being rewritten to clarify use of commercial records as permanent records, and to clarify when variances are necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Dan Crowley, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8062

RIN: 1512-AB02

**TOBACCO PRODUCTS****2657. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES****Significance:** Agency Priority**Legal Authority:** 26 USC 7805 (88A Stat 917)**CFR Citation:** 27 CFR 285**Legal Deadline:** None

**Abstract:** To reduce or eliminate administrative and recordkeeping burdens under 27 CFR part 285.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	
Final Action	06/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None

**Agency Contact:** Mary Wood, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington DC 20226, 202 927-8230

RIN: 1512-AA33

**DEPARTMENT OF THE TREASURY (TREAS)****Final Rule Stage****Bureau of Alcohol, Tobacco and Firearms (BATF)****ALCOHOL****2658. WINE LABELING REGULATION ISSUES****Significance:** Agency Priority**Legal Authority:** 27 USC 205(e); 27 USC 205(f)**CFR Citation:** 27 CFR 4**Legal Deadline:** None

**Abstract:** Wine labeling issues addressed: 1. Transported grapes to

retain viticultural area designation; 2. Certain wines allowed "other than standard" on label; 3. Harvest date for fruit, berry and agricultural wines; 4. Another use of the term "Estate Bottled".

**Timetable:**

Action	Date	FR Cite
NPRM	06/19/92	57 FR 27401
NPRM Comment Period End	07/20/92	

Action	Date	FR Cite
NPRM Comment Period Extended	07/27/92	57 FR 33139
NPRM Extended Comment Period End	08/21/92	
Final Action	11/00/92	

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco



## TREAS—BATF

## Final Rule Stage

and Firearms, 650 Massachusetts Avenue NW., Washington DC 20226, 202 927-8230

RIN: 1512-AA31

### 2659. HEALTH WARNING STATEMENT ON LABELS OF ALCOHOLIC BEVERAGES REQUEST FOR INFORMATION

**Significance:** Agency Priority

**Legal Authority:** 27 USC 215; 27 USC 217

**CFR Citation:** 27 CFR 16

**Legal Deadline:** None

**Abstract:** ATF is issuing this notice to obtain information which will enable the agency to make a determination as to whether the wording of the alcohol health warning statement should be amended. This action is taken by ATF in order to comply with section 206 of the Alcoholic Beverage Labeling Act of 1988 which requires a report to Congress if current available scientific information justifies a revision in the health warning statement.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/91	56 FR 10066
NPRM Comment Period End	07/08/91	
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512-AA82

### 2660. DEFINITION OF "BRAND LABEL" FOR WINE; AND STANDARD WINE CONTAINERS

**Significance:** Agency Priority

**Legal Authority:** 27 USC 205(e)

**CFR Citation:** 27 CFR 4

**Legal Deadline:** None

**Abstract:** ATF is proposing to amend the regulations to provide that standard wine containers shall be so made and formed so as not to mislead the purchaser. Wine containers shall be held (irrespective of the information container on the label) to be so made

and formed as to mislead the purchaser if the Director determines, based on industry practice, or consumer understanding, that the size and shape of the container when considered in conjunction with the placement of the label and the packaging of the product, are likely to mislead the purchaser as to the identity of the product. ATF is proposing to amend the definition of "brand label" to make it consistent with the principal display panel approach of the Fair Packaging and Labeling Act. On September 8, 1992, the standard wine and distilled spirits container issue was withdrawn from the notice of proposed rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/91	56 FR 4770
NPRM Comment Period End	03/08/91	
NPRM	09/12/91	56 FR 46393
NPRM Comment Period End	12/11/91	
NPRM Comment Period Extended	12/11/91	56 FR 64584
NPRM Extended Comment Period End	01/10/92	
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512-AA87

### 2661. WINE TREATING MATERIALS AND PROCESSES

**Legal Authority:** 26 USC 5382; 26 USC 5368; 26 USC 5388

**CFR Citation:** 27 CFR 24.182; 27 CFR 24.246; 27 CFR 24.248; 27 CFR 24.257

**Legal Deadline:** None

**Abstract:** This regulation will allow winemakers to use new wine treating materials and processes in the production, cellar treatment, and finishing of wine, if such materials and processes are found by the wine industry to be in accordance with "good commercial practice." No alternatives are being considered. No cost is associated with this action. This action will benefit winemakers by

giving them more tools to produce quality wine and will benefit consumers by ensuring that more quality wine is available for purchase. This regulation will also allow a slightly more liberal alcohol label tolerance for wines under 7 percent alcohol by volume. This action is being taken because of the difficulty producers of the new light wine cooler products have in meeting the current alcohol label tolerance requirements. No other alternatives are being considered. No cost is associated with this action. This action will benefit producers of light wine cooler products by liberalizing alcohol label tolerance requirements which have been found to be too restrictive.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/92	57 FR 23357
NPRM Comment Period End	07/06/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert White, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512-AA89

### 2662. CHANGE IN THE FREQUENCY OF FILING REPORTS OF BONDED WINE PREMISES OPERATIONS AND WINE EXCISE TAX RETURN

**Significance:** Regulatory Program

**Legal Authority:** 26 USC 5061; 26 USC 5367; 26 USC 5555

**CFR Citation:** 27 CFR 24.273; 27 CFR 24.300

**Legal Deadline:** None

**Abstract:** ATF is proposing to amend the wine regulations to allow certain small bonded wine premises proprietors to file operating reports annually instead of monthly; and to allow certain bonded wine premises who owe less than \$1,000 per year in wine excise tax to file returns and pay tax annually instead of semi-monthly.



TREAS—BATF

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/29/92	57 FR 33467
NPRM Comment Period End	08/28/92	
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marjorie Ruhf, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

**RIN:** 1512-AB06

**2663. ● LABELING OF BULK PROCESS SPARKLING WINE**

**Significance:** Agency Priority

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 4.21

**Legal Deadline:** None

**Abstract:** ATF is proposing to amend the regulations in 27 CFR part 4 to permit the use of the phrases "fermented outside the bottle," "secondary fermentation outside the bottle," "not fermented in the bottle," or "not bottle fermented," as alternatives to "bulk process" to further describe sparkling wine produced by fermentation in a large closed container. The term "charmat method" may be used as additional information to describe this process, provided it appears immediately before or after one of the above mentioned phrases. In addition, ATF proposes to establish a clearer standard with respect to placement and type size requirements applicable to the optional designation on sparkling wine labels.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/92	57 FR 19267
NPRM Comment Period Extended	07/02/92	57 FR 29456
NPRM Comment Period End	08/05/92	
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James Ficarella, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts

Avenue NW., Washington, DC 20226, 202 927-8230

**RIN:** 1512-AB09

**FIREARMS**

**2664. IMPORTED PARTS**

**Significance:** Agency Priority

**Legal Authority:** 18 USC 922(q)

**CFR Citation:** 27 CFR 178

**Legal Deadline:** None

**Abstract:** Certain semi-automatic rifles are banned from importation. There are people who are currently assembling rifles identical to these banned weapons with the assembly being in the United States using imported parts. This regulation will ban the assembly of such weapons using imported parts.

**Timetable:**

Action	Date	FR Cite
NPRM	08/19/91	56 FR 41105
NPRM Comment Period End	11/18/91	
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Robert Trainor, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8310

**RIN:** 1512-AA93

**PROCEDURAL**

**2665. ● 27 CFR PART 70 - CONFERENCE AND PRACTICE REQUIREMENTS FOR THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS**

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 70.511 to 70.526

**Legal Deadline:** None

**Abstract:** To document the adoption of certain conference and practice rules from IRS regulations in 26 CFR part 600 to ATF regulations in 27 CFR part 70. Currently the conference and practice regulations for ATF are still found in 26 CFR part 600 which is administered by IRS. By this final rule Section 601.521 through 601.525 are adopted in whole and applicable sections of 601.501

through 601.509 are adopted in part and placed in 27 CFR part 70 which is administered by ATF.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Kodadek, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8220

**RIN:** 1512-AB11

**2666. ● 27 CFR PART 70 - DELEGATION OF AUTHORITY TO ACCEPT CHECKS AND WAIVE PENALTIES**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 70.61; 27 CFR 70.77; 27 CFR 70.96; 27 CFR 70.97; 27 CFR 70.74; 27 CFR 70.98; 27 CFR 70.99

**Legal Deadline:** None

**Abstract:** To expand the responsibilities of the "Chief, Tax Processing Center" by giving that office the authority to accept checks and waive penalties. This delegation will make the enforced collection process more efficient.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Kodadek, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8220

**RIN:** 1512-AB12

**2667. ● 27 CFR PART 70 - PROCEDURES INVOLVING TAXPAYER INTERVIEWS; RECORDING OF INTERVIEWS**

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 70.307

**Legal Deadline:** None



TREAS—BATF

Final Rule Stage

**Abstract:** To provide guidance to taxpayers concerning taxpayer interviews as the result of the enforced collection of taxes administered by ATF. A new regulation is being created to reflect the addition of section 7521 of the Internal Revenue Code which allows the recording of taxpayer interviews, requires the taxpayer to be informed of his rights, and permits the taxpayer to designate certain persons to represent them.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Kodadek, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8220

**RIN:** 1512-AB13

**2668. ● 27 CFR PART 70 - CIVIL CAUSES OF ACTION FOR UNAUTHORIZED COLLECTION ACTIONS AND FOR FAILURE TO RELEASE A LIEN AND AWARDED OF COST AND CERTAIN FEES**

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 70.201; 27 CFR 70.211; 27 CFR 70.212

**Legal Deadline:** None

**Abstract:** To provide guidance relating to the civil causes of action under sections 7432 and 7433 of the IRC and awarding of costs and fees under section 7430. Section 7432 covers civil causes of action for failure to release a lien. Section 7433 covers civil causes of action for certain unauthorized collection activities. Regulations are being amended to define terms in the underlying statutes and create administrative remedies that must be exhausted prior to the filing of a cause of action. These regulations are needed to provide taxpayers with guidance to create an administrative remedy in connection with a cause of action.

**Timetable:**

Action	Date	FR Cite
Final Action	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Kodadek, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8220

**RIN:** 1512-AB14

**TOBACCO PRODUCTS**

**2669. MANUFACTURER'S IDENTIFICATION ON TOBACCO PRODUCTS PACKAGES**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 5723

**CFR Citation:** 27 CFR 270.11; 27 CFR 270.212; 27 CFR 275.163; 27 CFR 275.170; 27 CFR 275.172; 27 CFR 275.174; 27 CFR 290.11; 27 CFR 290.181; 27 CFR 290.185; 27 CFR 290.241 to 290.267; 27 CFR 295.42

**Legal Deadline:** None

**Abstract:** To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

**Timetable:**

Action	Date	FR Cite
NPRM	01/12/87	52 FR 1207
NPRM Comment	03/13/87	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington DC 20226, 202 927-8210

**RIN:** 1512-AA28

**DEPARTMENT OF THE TREASURY (TREAS)**

Completed Actions

**Bureau of Alcohol, Tobacco and Firearms (BATF)**

**2670. WINEMAKING TERMINOLOGY**

**Significance:** Agency Priority

**Legal Authority:** 27 USC 205(e)

**CFR Citation:** 27 CFR 4.35

**Legal Deadline:** None

**Abstract:** ATF is proposing to define words denoting winemaking operations for use on wine labels in conjunction with the name and address of the bottler. This project partially fulfills the requirements of the court order in *Wawskiewicz v. Department of the Treasury*, 480 F. Supp. 739 (D.D.C. 1979), aff'd. in part, rev'd in part, 670 F.2d 296.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/91	56 FR 58199
NPRM Comment	01/17/92	
Period End		
Final Action	07/27/92	57 FR 33110
Final Action	07/27/94	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington DC 20226, 202 927-8230

**RIN:** 1512-AA70

**2671. ● STANDARDS OF FILL FOR DISTILLED SPIRITS**

**Significance:** Agency Priority

**Legal Authority:** 27 USC 205(e)

**CFR Citation:** 27 CFR 5.47a

**Legal Deadline:** None

**Abstract:** ATF is considering amending the standard of fill regulations for distilled spirits to authorize a 355 milliliter (approximately 12 ounces) size for cans only.

**Timetable:**

Action	Date	FR Cite
NPRM	09/27/91	56 FR 49152
NPRM Comment	11/26/91	
Period End		
Final Action	07/14/92	57 FR 31126



## TREAS—BATF

## Completed Actions

Action	Date	FR Cite
Final Action Effective	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8210

**RIN:** 1512-AA96

### 2672. ● STANDARDS OF IDENTITY FOR DISTILLED SPIRITS

**Significance:** Agency Priority

**Legal Authority:** 27 USC 205(e)

**CFR Citation:** 27 CFR 5.22

**Legal Deadline:** None

**Abstract:** ATF is proposing to amend the regulations in 27 CFR part 5, by lowering the minimum bottling proof for flavored brandy, flavored gin, flavored rum, flavored vodka, and flavored whisky from 70 degrees proof (35 percent alcohol by volume) to 60 degrees proof (30 percent alcohol by volume).

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/91	56 FR 55247
NPRM Comment Period End	12/24/91	
Final Action	06/30/92	57 FR 29017
Final Action Effective	07/30/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Daniel Hiland, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8210

**RIN:** 1512-AA97

### 2673. ● SPECIALLY DENATURED SPIRITS, MISCELLANEOUS AMENDMENTS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 5271; 26 USC 5272; 26 USC 5273; 26 USC 5274; 26 USC 5275

**CFR Citation:** 27 CFR 20.11; 27 CFR 20.25; 27 CFR 20.36; 27 CFR 20.63; 27 CFR 20.134; 27 CFR 20.235

**Legal Deadline:** None

**Abstract:** ATF is proposing to amend regulations in part 20 to eliminate the requirement that a person obtain a permit as a dealer in specially denatured spirits with respect to shipments of specially denatured spirits which that person never physically received nor intended to receive. The notice also proposes to allow code marks to be used on the container of an article, in lieu of a permit number, to identify the site where the article was manufactured. The notice also updates and clarifies several other miscellaneous regulations in part 20.

**Timetable:**

Action	Date	FR Cite
NPRM	06/23/92	57 FR 27956
NPRM Comment Period End	07/23/92	
Final Action	09/08/92	57 FR 40847
Final Action Effective	09/08/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Tamara Light, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8210

**RIN:** 1512-AB01

### 2674. PART 47 IMPORTATION OF CERTAIN ITEMS FROM FORMER WARSAW PACT COUNTRIES

**Legal Authority:** 22 USC 2778

**CFR Citation:** 27 CFR 47

**Legal Deadline:** None

**Abstract:** Due to dramatic changes which have occurred in Eastern Europe and lifting of sanctions to allow trade with these countries we seek to amend 27 CFR part 47 to allow the importation of sporting rifles, pistols, revolvers, their ammunition, and component parts from Czechoslovakia, Hungary and Poland.

**Timetable:**

Action	Date	FR Cite
Final Action	06/08/92	57 FR 24188
Final Action Effective	06/08/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** A. Virginia Alford, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8320

**RIN:** 1512-AA94

### 2675. ● IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR AND MACHINE GUNS, DEVICES AND CERTAIN OTHER FIREARMS

**Significance:** Agency Priority

**Legal Authority:** 22 USC 2778

**CFR Citation:** 27 CFR 47.43(a); 27 CFR 179.111(a)

**Legal Deadline:** None

**Abstract:** To extend the valid date of import permits from 6 months to one year, will allow additional time for the importers to complete the importation of the authorized commodity. This eliminates the need to submit a new application because the importation was not completed in 6 months.

**Timetable:**

Action	Date	FR Cite
Final Action	07/07/92	57 FR 29787
Final Action Effective	07/07/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** A. Virginia Alford, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8062

**RIN:** 1512-AA99

### 2676. ● FIREARMS AND AMMUNITION EXCISE TAXES

**Significance:** Regulatory Program

**Legal Authority:** 26 USC 6302

**CFR Citation:** 27 CFR 53.151; 27 CFR 53.152; 27 CFR 53.153; 27 CFR 53.157

**Legal Deadline:** None

**Abstract:** The regulations in 27 CFR part 53 are being amended to revise the method of tax payment. The proposed amendment would eliminate the current requirement to make monthly or semi-monthly tax payments by coupon



**TREAS—BATF**

**Completed Actions**

deposits in addition to filing quarterly returns, and would reduce reporting requirements when no tax is due. This change will simplify the method of tax payment.

**Timetable:**

Action	Date	FR Cite
Final Action	09/03/92	57 FR 40324
Final Action Effective	10/01/92	

**Small Entities Affected:** None  
**Government Levels Affected:** None

**Agency Contact:** Tamara Light, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8210

**RIN:** 1512-AB00  
 [FR Doc. 92-22389 Filed 11-02-92; 8:45 am]  
**BILLING CODE** 4810-31-F

**DEPARTMENT OF THE TREASURY (TREAS)**

**Comptroller of the Currency (OCC)**

**Comptroller of the Currency**

**12 CFR Ch. I**

**Semiannual Agenda of Regulatory Actions**

**AGENCY:** Office of the Comptroller of the Currency, Treasury.

**ACTION:** Semiannual agenda of regulations.

**SUMMARY:** As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (OCC) has prepared this semiannual agenda of its rules and regulations currently under

review and scheduled for review. Regulatory actions taken since the publication of the OCC's previous semiannual agenda on April 27, 1992 (57 FR 17170), are also included. It is expected that this semiannual agenda will enable the public to be more aware of and allow it to more effectively participate in the OCC's regulatory activity.

**ADDRESSES:** The mailing address for all contacts: Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

**FOR FURTHER INFORMATION CONTACT:** For general information about this semiannual agenda, contact Nancy Lowther, Financial Analyst, Legislative,

Regulatory, and International Activities Division, (202) 874-5090.

For additional information about a particular item on this semiannual agenda, contact the individual identified as the contact person.

**SUPPLEMENTARY INFORMATION:** Set forth below are regulatory projects currently under review or scheduled for review. Many of these regulations are required by the recently enacted Federal Deposit Insurance Corporation Improvement Act of 1991, Pub. L. 102-242. Some of these regulations may be issued jointly with other Federal Government agencies.

Dated: September 25, 1992.  
 Stephen R. Steinbrink,  
*Acting Comptroller of the Currency.*

**Comptroller of the Currency—Prerule Stage**

Se-quence Number	Title	Regulation Identifier Number
2677	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds.....	1557-AB00
2678	12 CFR 3 Minimum Capital Ratios; Risk-Based Capital Guidelines; Interest Rate Risk, Concentration Risk and Risks of Nontraditional Activities.....	1557-AB14
2679	12 CFR 3 Minimum Capital Ratios; Risk-Based Capital Guidelines; Multifamily Housing Loans.....	1557-AB25

**Comptroller of the Currency—Proposed Rule Stage**

Se-quence Number	Title	Regulation Identifier Number
2680	12 CFR 4.19 Production of Documents and Testimony in Litigation Where the Comptroller or the Office Is Not a Party.....	1557-AA57
2681	12 CFR 16 Securities Offering Disclosure Rules.....	1557-AA65
2682	12 CFR 3 Recourse Arrangements.....	1557-AA91
2683	12 CFR 7 On-Premises Securities Sales Activities.....	1557-AB02
2684	12 CFR 26 Management Official Interlocks.....	1557-AB03
2685	12 CFR 31 Insider Transactions and Conflicts of Interest.....	1557-AB07
2686	12 CFR 9.18(b)(6) Fiduciary Powers of National Banks and Collective Investment Funds.....	1557-AB12
2687	12 CFR 19 Independent Annual Audits of Insured Depository Institutions; Suspension and Debarment of Accountants.....	1557-AB15
2688	00 CFR Not yet determined Standards for Safety and Soundness.....	1557-AB17
2689	12 CFR 21.11 Criminal Referral Report.....	1557-AB19



**TREAS—OCC**

**Comptroller of the Currency—Proposed Rule Stage—Continued**

Se- quence Number	Title	Regulation Identifier Number
2690	12 CFR 5.49 Receivership.....	1557-AB20
2691	12 CFR 1.8 Investment Securities Regulation.....	1557-AB21
2692	12 CFR 5.33 Rules, Policies, and Procedures for Corporate Activities; Merger, Consolidation, Purchase, and Assumption.....	1557-AB22
2693	12 CFR 18.10 Disclosure of Financial and Other Information by National Banks; Prohibited Conduct and Penalties..	1557-AB24
2694	12 CFR 5 Federal Branches and Agencies of Foreign Banks.....	1557-AB26

**Comptroller of the Currency—Final Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
2695	12 CFR 5 Rules, Policies, and Procedures for Corporate Activities.....	1557-AA00
2696	12 CFR 9.18 Fiduciary Powers of National Banks and Collective Investment Funds.....	1557-AA04
2697	12 CFR 5 Securities Exchange Act Disclosure Rules.....	1557-AA58
2698	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds.....	1557-AA66
2699	12 CFR 4.11 Description of Office, Procedures, Public Information; Supervision of Bank Operations.....	1557-AA67
2700	12 CFR 32 Lending Limit.....	1557-AA72
2701	12 CFR 12 Recordkeeping and Confirmation Requirements for Securities Transactions.....	1557-AA75
2702	12 CFR 7.7490 Messenger Service.....	1557-AA85
2703	12 CFR 4 Description of Office, Procedures, Public Information; Minority- and Women-Owned Business Contracting Outreach Program.....	1557-AA92
2704	12 CFR 3 Minimum Capital Ratios; Risk-Based Capital Guidelines; Capital Treatment of Intangible Assets.....	1557-AA94
2705	12 CFR 3 Minimum Capital Ratios; Risk-Based Capital Guidelines.....	1557-AA96
2706	12 CFR 5.51 Rules, Policies, and Procedures for Corporate Activities: Changes in Directors and Senior Executive Officers.....	1557-AA97
2707	12 CFR 34, app A Real Estate Lending and Appraisals; Appendix A to Subpart C: Excerpts from the Uniform Standards of Professional Appraisal Practice Applicable to Federally Related Transactions.....	1557-AB11
2708	12 CFR 34 Real Estate Lending Standards.....	1557-AB18
2709	12 CFR 31 Extensions of Credit to National Bank Insiders.....	1557-AB23

**Comptroller of the Currency—Completed Actions**

Se- quence Number	Title	Regulation Identifier Number
2710	12 CFR 4 Description of Office, Procedures, Public Information.....	1557-AA77
2711	12 CFR 31.2(c) Extensions of Credit to National Bank Insiders.....	1557-AA89
2712	12 CFR 34.42 Real Estate Lending and Appraisals.....	1557-AB09
2713	12 CFR 8 Assessments.....	1557-AB10
2714	12 CFR 3 Minimum Capital Ratios; Risk-Based Capital Guidelines; Residential Construction Loans Secured by Presold Homes.....	1557-AB13
2715	12 CFR 6 Prompt Corrective Action.....	1557-AB16

**DEPARTMENT OF THE TREASURY (TREAS)**

**Prerule Stage**

**Comptroller of the Currency (OCC)**

**2677. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS**

**Legal Authority:** 12 USC 93a

**CFR Citation:** 12 CFR 9

**Legal Deadline:** None

**Abstract:** The OCC is proposing to amend 12 CFR 9 to address the

conflicts of interest created when a national bank is the trustee to an issue of debt securities and enters into additional banking relationships with the issuer, including, but not limited to,



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the following: securities underwriter, letter of credit enhancer, originator of loans to collateralize the debt securities, or a commercial credit provider. Such multiple roles may serve to reduce the quality of disinterested services provided to both issuers and investors and further expose the bank and the depositors to significant liabilities if investors or issuers suffer losses as a result of a bank trustee's failure to act in their best interests. To the extent possible, the OCC would like to ensure that national banks do not assume conflicting roles which may become unmanageable if the security goes into default. Although the opportunity for national banks to serve in more than one capacity with respect to a debt security issue is not new, there appears to be an increased interest by national banks to undertake multiple roles. This regulation will not have a significant economic impact on a substantial (cont)

## Timetable:

Action	Date	FR Cite
ANPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT  
CONT: number of small entities.

**ADDITIONAL AGENCY CONTACT:**  
Dean E. Miller, Senior Advisor for Fiduciary Responsibilities, (202) 874-4447, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Carolyn M. Amundson, Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

**RIN:** 1557-AB00

**2678. ● MINIMUM CAPITAL RATIOS; RISK-BASED CAPITAL GUIDELINES; INTEREST RATE RISK, CONCENTRATION RISK AND RISKS OF NONTRADITIONAL ACTIVITIES**

**Significance:** Regulatory Program

**Legal Authority:** 12 USC 93a

**CFR Citation:** 12 CFR 3

**Legal Deadline:** Final, Statutory, June 19, 1993.

**Abstract:** The Federal Deposit Insurance Corporation Improvement Act of 1991 requires the Federal

banking agencies to review their capital standards to ensure that those standards take adequate account of interest rate risk, concentration risk, and risks from nontraditional activities. National banks may become exposed to interest rate risk due to the composition of their asset, liability and off-balance sheet portfolios. This rulemaking will formulate a methodology to include an assessment of interest rate risk in the OCC's capital standards. In addition, this rulemaking will formulate standards to take into account concentration risk and risks from nontraditional activities. The effect on small entities will be considered in the development of this rulemaking.

## Timetable:

Action	Date	FR Cite
ANPRM	08/10/92	57 FR 35507
ANPRM	10/09/92	57 FR 35507
Comment		
Period End		
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** ADDITIONAL  
**AGENCY CONTACT:** Ron Shimabukuro, Senior Attorney, Bank Operations and Assets Division, (202) 874-4460, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Christina Benson, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Office of the Chief National Bank Examiner, 250 E Street SW., Washington, DC 20219, 202 874-5170

**RIN:** 1557-AB14

**2679. ● MINIMUM CAPITAL RATIOS; RISK-BASED CAPITAL GUIDELINES; MULTIFAMILY HOUSING LOANS**

**Legal Authority:** 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

**CFR Citation:** 12 CFR 3

**Legal Deadline:** Final, Statutory, April 10, 1992.

**Abstract:** The OCC is proposing a regulation to implement section 618(b) of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991 (RTCRRIA), and section 305(b)(1)(B) of the Federal Deposit Insurance Corporation Improvement Act of 1991. The purpose of this proposed rule is to permit

national banks to hold less capital against certain loans secured by qualifying multifamily residential property. This proposed rule amends the risk-based capital guidelines to include in the 50% risk weight category certain loans secured by qualifying multifamily residential properties. This proposed rule also will have an effect on the risk weighting of certain privately issued mortgage-backed securities (MBSs). The proposed rule amends the risk-based capital guidelines to permit MBSs to qualify for a 50% risk weight if at the time of origination of the MBSs, they are secured by qualifying multifamily residential property loans which have performed in accordance with the terms of the loans for at least one year. In addition, this proposed rule amends the risk-based capital guidelines to provide that the portion of multifamily residential property loans that is sold (cont)

## Timetable:

Action	Date	FR Cite
ANPRM	09/17/92	57 FR 42901
ANPRM	10/19/92	57 FR 42901
Comment		
Period End		
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT  
CONT: subject to a pro rata loss sharing arrangement may be treated by the selling bank as sold to the extent that the sales agreement provides for the purchaser of the loan to share in any loss incurred on the loan on a pro rata basis with the selling bank. This provision is consistent with the current OCC policy with respect to assets sold with recourse.

This regulation will not have a significant impact on a substantial number of small entities.

**ADDITIONAL AGENCY CONTACTS:**  
Ron Shimabukuro, Senior Attorney, Bank Operations and Assets Division, (202) 874-4460; James Wright, Community Development Specialist, Customer and Industry Affairs, (202) 874-4930; Roger Tufts, Senior Economic Advisor, Office of the Chief National Bank Examiner, (202) 874-5170; or Elizabeth Milor, Financial Economist, Economic and Regulatory Policy Analysis, (202) 874-5220, 250 E Street SW., Washington, DC 20219.



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**Agency Contact:** Donna E. Duncan, National Bank Examiner, Department of the Treasury, Comptroller of the

Currency, Office of the Chief National

Bank Examiner, 250 E Street SW., Washington, DC 20219, 202 874-5170  
RIN: 1557-AB25

**DEPARTMENT OF THE TREASURY (TREAS)  
Comptroller of the Currency (OCC)**

**Proposed Rule Stage**

**2680. PRODUCTION OF DOCUMENTS AND TESTIMONY IN LITIGATION WHERE THE COMPTROLLER OR THE OFFICE IS NOT A PARTY**

**Legal Authority:** 5 USC 301; 5 USC 552(b); 18 USC 641; 18 USC 1905; 18 USC 1906; 12 USC 93a; 12 USC 481

**CFR Citation:** 12 CFR 4.19; 12 CFR 4.18(c); 12 CFR 7.6025(c); 12 CFR 4.18(a); 12 CFR 4.18(b); 12 CFR 4.16(b); 12 CFR 4.13 to 4.17a

**Legal Deadline:** None

**Abstract:** This rule governs the release by the OCC of confidential documents and testimony for use in litigation in which the OCC is not a party. The OCC is considering changing the rule to spell out the exact requirements for a request for such release, and the situations under which release might be authorized. This regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Lester N. Scall, Senior Trial Attorney, Department of the Treasury, Comptroller of the Currency, Litigation Division, 250 E Street SW., Washington, DC 20219, 202 874-5280

RIN: 1557-AA57

**2681. SECURITIES OFFERING DISCLOSURE RULES**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1 et seq; 12 USC 93a

**CFR Citation:** 12 CFR 16

**Legal Deadline:** None

**Abstract:** This regulation contains the OCC's disclosure requirements for offers and sales of national bank securities. The OCC is considering eliminating regulations detailing the contents of offering documents covering

national bank securities and instead requiring that offering documents contain the information that would be required by the appropriate Securities and Exchange Commission (SEC) form for registration. The OCC also is considering cross-referencing certain definitions and exemptions in the Securities Act of 1933 as well as a number of SEC rules. The effect on small entities will be considered in the development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Elizabeth Malone, Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AA65

**2682. RECOURSE ARRANGEMENTS**

**Legal Authority:** 12 USC 93a; 12 USC 84; 12 USC 3907; 12 USC 3909

**CFR Citation:** 12 CFR 3; 12 CFR 32; 12 CFR 325; 12 CFR 225

**Legal Deadline:** None

**Abstract:** After consideration of comments received as a result of the Federal Financial Institutions Examination Council's solicitation for public comment on recourse arrangements (55 FR 26766, June 29, 1990), OCC expects to issue a notice of proposed rulemaking on the appropriate capital and lending limit treatment of these arrangements. The effect on small entities will be considered in the development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	
NPRM Comment Period End	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Laura Plaze, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AA91

**2683. ON-PREMISES SECURITIES SALES ACTIVITIES**

**Legal Authority:** 12 USC 93a; 12 USC 1818

**CFR Citation:** 12 CFR 7; 12 CFR 16

**Legal Deadline:** None

**Abstract:** This proposed regulation will control the sale by national banks of their own and their affiliate's securities on the bank's public premises in order to avoid possible customer confusion and minimize the potential for fraud concerning the uninsured nature of the investments. The effect on small entities will be considered in the development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Jeff Mace, Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AB02

**2684. MANAGEMENT OFFICIAL INTERLOCKS**

**Legal Authority:** 12 USC 93a

**CFR Citation:** 12 CFR 26

**Legal Deadline:** None

**Abstract:** The proposed revisions to the existing regulation will implement recent changes to the Depository Institution Management Interlocks Act.



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The OCC will be working with the other Federal bank regulatory agencies to develop uniform implementing regulations. The effect on small entities will be considered in the development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Sue E. Auerbach, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5300

**RIN:** 1557-AB03

**2685. INSIDER TRANSACTIONS AND CONFLICTS OF INTEREST**

**Legal Authority:** 12 USC 93a; 12 USC 161; 12 USC 375; 12 USC 1818

**CFR Citation:** 12 CFR 31

**Legal Deadline:** None

**Abstract:** This rulemaking would regulate business dealings (other than extensions of credit) between a national bank and its directors, officers, principal shareholders, and related interests of such persons. The Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the Board of Governors of the Federal Reserve System are drafting similar rules. The effect on small entities will be considered in the development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** David Thede, Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

**RIN:** 1557-AB07

**2686. ● FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS**

**Legal Authority:** 12 USC 92a; 12 USC 93a; 12 USC 481

**CFR Citation:** 12 CFR 9.18(b)(6)

**Legal Deadline:** None

**Abstract:** This proposal clarifies the OCC's longstanding and current requirement for national banks serving as trustees for collective investment funds to make all distributions of illiquid assets, such as real estate, from such funds to participants on a ratable basis. This regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ADDITIONAL AGENCY CONTACT: Dean E. Miller, Senior Advisor for Fiduciary Responsibilities, (202) 874-4447, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Donald N. Lamson, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

**RIN:** 1557-AB12

**2687. ● INDEPENDENT ANNUAL AUDITS OF INSURED DEPOSITORY INSTITUTIONS; SUSPENSION AND DEBARMENT OF ACCOUNTANTS**

**Significance:** Regulatory Program

**Legal Authority:** 12 USC 93a

**CFR Citation:** 12 CFR 19

**Legal Deadline:** None

**Abstract:** The OCC is proposing a regulation to implement section 112(g)(4) of the Federal Deposit Insurance Corporation Improvement Act of 1991 which requires the Federal banking agencies to develop joint procedures for the suspension and debarment of accountants, upon a showing of good cause, from performing certain audit services. This regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Barrett Aldemeyer, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative, Regulatory, and International Activities Division, 250 E Street SW., Washington, DC 20219, 202 874-5090

**RIN:** 1557-AB15

**2688. ● STANDARDS FOR SAFETY AND SOUNDNESS**

**Significance:** Regulatory Program

**Legal Authority:** 12 USC 93a

**CFR Citation:** Not yet determined

**Legal Deadline:** Final, Statutory, August 1, 1993.

**Abstract:** The OCC is proposing a regulation to implement section 39 of the Federal Deposit Insurance Act, as added by section 132 of the Federal Deposit Insurance Corporation Improvement Act of 1991. Section 39 requires the OCC and other Federal banking agencies to prescribe certain safety and soundness standards for the insured depository institutions and depository institution holding companies for which it is the primary Federal regulator. Standards must be prescribed in three principal areas: (1) Operational and managerial; (2) asset quality, earnings, and stock valuation; and (3) employee compensation. If an insured depository institution does not meet one of these standards, section 39 requires that the institution establish a plan to achieve compliance with the standard that is acceptable to the primary regulator of the institution. The effect on small entities will be considered in the development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/15/92	57 FR 31336
ANPRM	09/16/92	57 FR 31336

Comment  
Period End

NPRM 11/00/92

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None



**Additional Information:** ADDITIONAL AGENCY CONTACTS: Jeff Mace, Attorney, Securities, Investment, and Fiduciary Practices Division, (202) 874-5210; or Laura H. Plaze, Senior Attorney, Bank Operations and Assets Division, (202) 874-4460, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Emily R. McNaughton, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Office of the Chief National Bank Examiner, 250 E Street SW., Washington, DC 20219, 202 874-5170

RIN: 1557-AB17

**2689. ● CRIMINAL REFERRAL REPORT**

**Legal Authority:** 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884; 12 USC 3401 to 3422

**CFR Citation:** 12 CFR 21.11

**Legal Deadline:** None

**Abstract:** The OCC, as part of an interagency task force, has designed a uniform multi-agency criminal referral form. The form will facilitate financial institutions' compliance with criminal activity reporting requirements, and will enhance law enforcement agencies' ability to investigate the matters reported in the criminal referrals. The information from the form will also be entered into a new interagency data base which will enhance the regulatory and law enforcement agencies' ability to track criminal and administrative cases. This uniform criminal referral form is intended to replace the various criminal referral forms currently used by Federal bank, thrift, and credit union regulatory agencies and by financial institutions. The purpose of this proposed rule is to conform OCC's regulations to the new procedures for completion and submission of the uniform criminal referral form. This action is intended to improve reporting of crimes relating to financial institutions and to serve as a basis for a new interagency computer data base. This regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Agency Contact:** Robert S. Pasley, Assistant Director, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 250 E Street SW., Washington, DC 20219, 202 874-4800

RIN: 1557-AB19

**2690. ● RECEIVERSHIP**

**Legal Authority:** 12 USC 1 et seq; 12 USC 93a

**CFR Citation:** 12 CFR 5.49

**Legal Deadline:** None

**Abstract:** The OCC is removing its receivership regulation found at 12 CFR 5.49. The OCC presently makes an "insolvency" determinations when placing a national bank into receivership. Section 133 of the Federal Deposit Insurance Corporation Improvement Act of 1991 provides the OCC, and the other Federal banking agencies, with uniform grounds for appointing either a conservator or a receiver. With these statutory changes, the OCC will no longer be required to make this "insolvency" determination; and the receivership regulation will no longer be necessary. This rule will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jeff Mace, Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AB20

**2691. ● INVESTMENT SECURITIES REGULATION**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1 et seq; 12 USC 24 (Seventh); 12 USC 93a

**CFR Citation:** 12 CFR 1.8

**Legal Deadline:** None

**Abstract:** The OCC is proposing to amend its investment securities regulation to remove the requirement

that banks maintain for specified periods of time credit information on issuers of certain securities. The purpose of the change is to reduce regulatory burden while promoting bank safety and soundness. National banks are expected to continue to exercise prudent banking judgment to retain records for appropriate periods. This regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/92	57 FR 45756
NPRM Comment	11/04/92	57 FR 45756
Period End		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Michael C. Dugas, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Steet SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AB21

**2692. ● RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES; MERGER, CONSOLIDATION, PURCHASE, AND ASSUMPTION**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1 et seq; 12 USC 93a

**CFR Citation:** 12 CFR 5.33

**Legal Deadline:** None

**Abstract:** The OCC is proposing a regulation to establish procedures for national banks to follow in undertaking mergers or consolidations with Federal savings associations as authorized by sections 501(a) and 502(b) of the Federal Deposit Insurance Corporation Improvement Act of 1991. To the extent possible, the procedures adopted parallel the statutory procedures governing mergers and consolidations between national banks and state chartered financial institutions pursuant to 12 USC 214a, 215, and 215a. This regulation will not have a significant economic impact on a substantial number of small entities.



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## Proposed Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jerome L. Edelstein, Senior Counsel, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5300

**RIN:** 1557-AB22

**2693. ● DISCLOSURE OF FINANCIAL AND OTHER INFORMATION BY NATIONAL BANKS; PROHIBITED CONDUCT AND PENALTIES**

**Legal Authority:** 12 USC 93a; 12 USC 161; 12 USC 1818

**CFR Citation:** 12 CFR 18.10

**Legal Deadline:** None

**Abstract:** This rulemaking will clarify that the prohibitions and penalties set forth in 12 CFR 18.10 shall apply to

institution-affiliated parties, as defined at 12 USC 1813(u). This rule will not have a significant economic impact on a substantial number of small entities.

## Timetable:

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Asa L. Chamberlayne, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

**RIN:** 1557-AB24

**2694. ● FEDERAL BRANCHES AND AGENCIES OF FOREIGN BANKS**

**Legal Authority:** 12 USC 93a; 12 USC 3101 et seq

**CFR Citation:** 12 CFR 5; 12 CFR 28

**Legal Deadline:** None

**Abstract:** The OCC is proposing a regulation to implement section 202 of the Federal Deposit Insurance Corporation Improvement Act of 1991. The purpose of the rule will be to make procedural changes to applications processing, conditions, approvals and denials, and terminations of Federal branches and agencies which are licensed by the OCC. This regulation will not have a significant economic impact on a substantial number of small entities.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Nancy Michaleski, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative, Regulatory, and International Activities Division, 250 E Street SW., Washington, DC 20219, 202 874-5090

**RIN:** 1557-AB26

## DEPARTMENT OF THE TREASURY (TREAS)

## Final Rule Stage

## Comptroller of the Currency (OCC)

**2695. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 93a

**CFR Citation:** 12 CFR 5

**Legal Deadline:** None

**Abstract:** The OCC is engaged in a continuing review of its rules, policies and procedures governing corporate activities. The OCC proposes to outline the responsibility of the applicants for accurate and complete filings; to centralize the OCC's distribution of forms; to clarify procedures for changes in bank control; and to make several miscellaneous technical amendments. These proposals are expected to benefit the OCC by assisting the OCC in fulfilling its responsibility for maintaining the safety and soundness of national banks and the national banking system, and to improve OCC efficiency. The effect on small entities will be considered in the development of each rulemaking.

## Timetable:

Action	Date	FR Cite
Applicants' Responsibility	00/00/00	
Change in Bank Control	00/00/00	
Forms Distribution	00/00/00	
Technical Amendments	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Charles E. Baker, Licensing Policy and Systems Analyst, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 250 E Street SW., Washington, DC 20219, 202 874-5060

**RIN:** 1557-AA00

**2696. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 92a; 12 USC 93a; 12 USC 481

**CFR Citation:** 12 CFR 9.18

**Legal Deadline:** None

**Abstract:** The OCC is amending its regulations governing the exercise of fiduciary powers by national banks. The intent of these amendments is twofold: First, this rule is intended to codify recent court decisions regarding collective Individual Retirement Account (IRA) funds; and second, this rule is intended to make less burdensome the requirements of 12 CFR 9.18, regarding the management of collective investment funds by institutions exercising fiduciary powers, in a manner that would preserve appropriate protection for trusts and persons with interests therein. In addition to codifying court decisions that national banks are authorized to establish collective IRA funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940, this rule codifies administrative decisions that national banks are authorized to



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establish registered collective funds whose assets consist of Keogh accounts or any other retirement accounts authorized under sections 401 and 408 of the Internal Revenue Code (26 USC 401 and 408). The rule streamlines the process for the review of new types of funds, clarifies the authorization for investment (cont)

**Timetable:**

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM	09/23/82	47 FR 27833
Comment		
Period End		
NPRM	02/07/90	55 FR 04184
NPRM Comment	07/08/90	55 FR 24581
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: by funds in variable-amount notes, and clarifies the status of certain tax-exempt funds. The rule leaves unchanged the current rule's prohibition on advertising certain collective investment funds. It also leaves in place certain regulatory provisions that prohibit a trustee from charging a fund fees in excess of a certain level and charging certain costs and expenses incurred in managing that fund. The rule also leaves unchanged the limitation on the participation in certain collective investment funds, limitation on the investments by such funds, and requirement that certain collective investment funds maintain liquidity. The rule will not have a significant economic impact on a substantial number of small entities.

**ADDITIONAL AGENCY CONTACT:** Dean E. Miller, Senior Advisor for Fiduciary Responsibilities. (202) 874-4447, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Donald N. Lamson, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities, Investment, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

**RIN:** 1557-AA04

### 2697. SECURITIES EXCHANGE ACT DISCLOSURE RULES

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1 et seq; 12 USC 93a; 15 USC 78l; 15 USC 78l(i); 15 USC 78m; 15 USC 78n; 15 USC 78p; 15 USC 78w

**CFR Citation:** 12 CFR 5; 12 CFR 11; 12 CFR 16

**Legal Deadline:** None

**Abstract:** The OCC is amending its regulations in part 11, detailing registration and reporting requirements for national banks with securities required to be registered under the Securities Exchange Act of 1934. The regulation incorporates through cross reference the regulations of the Securities and Exchange Commission (SEC) into the provisions of part 11 to assure that the OCC's regulations remain substantially similar to the SEC's regulations, as required by law. The regulation also makes technical, conforming amendments to parts 5 and 16. The rule will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/92	57 FR 12222
NPRM Comment	06/08/92	57 FR 12222
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jeff Mace, Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investment, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

**RIN:** 1557-AA58

### 2698. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

**Legal Authority:** 12 USC 92a

**CFR Citation:** 12 CFR 9

**Legal Deadline:** None

**Abstract:** The OCC proposes to amend this regulation to clarify the requirements concerning national bank fiduciary investment of uninvested or undistributed cash in fiduciary accounts. The effect on small entities will be considered in the development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	06/27/90	55 FR 26210
NPRM Comment	08/27/90	55 FR 26210
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Carol Eve Robbins, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

**RIN:** 1557-AA66

### 2699. DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION; SUPERVISION OF BANK OPERATIONS

**Legal Authority:** 12 USC 93a; 12 USC 164; 12 USC 481; 12 USC 1861 to 1867; 5 USC 552

**CFR Citation:** 12 CFR 4.11

**Legal Deadline:** None

**Abstract:** This regulation amends the existing description of supervision of bank operations by the Office of the Comptroller of the Currency. Adoption of a final rule is under consideration as the OCC wishes to fully evaluate the impact of the Federal Deposit Insurance Corporation Improvement Act of 1991 on OCC Operations. This regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	08/06/90	55 FR 31840
NPRM Comment	09/05/90	55 FR 31840
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Christina Trojan-Masnyk, Attorney, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5300

**RIN:** 1557-AA67

### 2700. LENDING LIMIT

**Legal Authority:** 12 USC 84; 12 USC 93a



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**CFR Citation:** 12 CFR 32; 12 CFR 7

**Legal Deadline:** None

**Abstract:** The OCC is considering a revision to the lending limit regulation. The revision will amend definitions, restructure and simplify the loan combination rules, and place an aggregate cap on loans to foreign governments. The effect on small entities will be considered in the development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	10/24/89	54 FR 43398
NPRM Comment Period End	01/22/90	54 FR 43398
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** ADDITIONAL AGENCY CONTACT: William C. Kerr, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5170, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Deborah Katz, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

**RIN:** 1557-AA72

### 2701. RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

**Significance:** Agency Priority

**Legal Authority:** 12 USC 24; 12 USC 92a; 12 USC 93a

**CFR Citation:** 12 CFR 12

**Legal Deadline:** None

**Abstract:** The OCC is amending its recordkeeping and confirmation requirements for securities transactions undertaken by a national bank for its customers. This final rule broadens an exemption from requirements that banks maintain certain records and establish certain policies and procedures. The exemption for banks with an average of less than 200 securities transactions per year is expanded to 1,000 transactions per year, exclusive of transactions in U.S. Government and Federal agency obligations. The purpose of broadening the exemption from 200 transactions per year to 1,000 transactions per year is to

reduce the regulatory burden on banks of all sizes that engage in a low number of securities transactions per year. With respect to transactions, as agent, in U.S. Government and Federal agency obligations, the OCC is amending its regulations to make the OCC's recordkeeping and confirmation requirements consistent with requirements under the Government Securities Act of 1986 (GSA), which governs Government securities brokers and dealers. The effect of the amendment with respect to transactions, as agent, in U.S. Government and Federal agency obligations, would (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/89	54 FR 32653
NPRM Comment Period End	10/10/89	54 FR 32653
Final Action	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: be to reduce the regulatory burden on banks of all sizes that engage in a low number of transactions, as agent, in U.S. Government and Federal agency obligations per year. The recordkeeping exemption does not apply to Government securities dealers. This final rule will not have a significant economic impact on a substantial number of small entities.

**Agency Contact:** Asa L. Chamberlayne, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investment and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

**RIN:** 1557-AA75

### 2702. MESSENGER SERVICE

**Significance:** Agency Priority

**Legal Authority:** 12 USC 93a

**CFR Citation:** 12 CFR 7.7490

**Legal Deadline:** None

**Abstract:** This rulemaking is intended to update 12 CFR 7.7490 regarding national bank messenger services in order to more fully address the impact of recent court decisions. This regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jerome L. Edelstein, Senior Counsel, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5300

**RIN:** 1557-AA85

### 2703. DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION: MINORITY- AND WOMEN-OWNED BUSINESS CONTRACTING OUTREACH PROGRAM

**Legal Authority:** 12 USC 1 et seq; 12 USC 93a; 12 USC 1833e; 5 USC 552

**CFR Citation:** 12 CFR 4

**Legal Deadline:** None

**Abstract:** The regulation is being promulgated as mandated by the Financial Institutions Reform, Recovery and Enforcement Act of 1989, PL 101-73, 103 Stat 183, 529. The regulation will provide description of a procurement outreach program that will further ensure the utilization of qualified minorities and women, and entities owned by these individuals, to the greatest extent possible, in OCC contract action. This regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ADDITIONAL AGENCY CONTACT: Mary Ellen Dorsey, Outreach Program Specialist, Acquisitions Branch, (202) 874-5040, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Sue E. Auerbach, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5300

**RIN:** 1557-AA92



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**2704. MINIMUM CAPITAL RATIOS; RISK-BASED CAPITAL GUIDELINES; CAPITAL TREATMENT OF INTANGIBLE ASSETS**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

**CFR Citation:** 12 CFR 3

**Legal Deadline:** None

**Abstract:** These amendments generally would (1) increase the capital limitation on qualifying intangible assets from 25 percent to 50 percent of Tier 1 capital, and (2) permit the inclusion of purchased credit card relationships as a qualifying intangible asset, subject to a separate 25 percent sublimit. This rule will not have a significant impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/05/90	55 FR 40843
ANPRM	12/04/90	55 FR 40843
Comment Period End		
NPRM	04/09/92	57 FR 12214
NPRM Comment	05/11/92	57 FR 12214
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ADDITIONAL AGENCY CONTACTS: Donna Duncan, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5170; Eugene W. Green, Deputy Chief Accountant, Office of the Chief National Bank Examiner, (202) 874-5180; Mark Winer, Director, Banking Research & Statistics Division, (202) 874-5240; or C. Stewart Goddin, Senior International Economic Advisor, International Banking and Finance, (202) 874-4730, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Ronald Shimabukuro, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

**RIN:** 1557-AA94

**2705. MINIMUM CAPITAL RATIOS; RISK-BASED CAPITAL GUIDELINES**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

**CFR Citation:** 12 CFR 3

**Legal Deadline:** None

**Abstract:** This proposed regulation would make various technical and conforming amendments to the risk-based capital guidelines applicable to national banks. These amendments would make a variety of changes to clarify the provisions relating to (1) the definition of central government, (2) the unused portion of commitments, (3) the calculation of the amount of the allowance for loan and lease losses included in Tier 2 capital, (4) the calculation of the limitation on subordinated debt and intermediate term preferred stock in Tier 2 capital, (5) the redemption of capital instruments, (6) the authority of the OCC to permit supervisory goodwill as capital, (7) the 25 percent limitation on qualifying intangibles, (8) local currency claims guaranteed by non-OECD central governments, (9) claims on non-OECD central banks, (10) assets sold with recourse, and (11) the definition of credit card lines. The effect on small entities will be considered in the development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	10/17/90	55 FR 42017
NPRM Comment	12/17/90	55 FR 42017
Period End		
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ADDITIONAL AGENCY CONTACTS: Donna Duncan, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5170; Eugene W. Green, Deputy Chief Accountant, Office of the Chief National Bank Examiner, (202) 874-5180; Mark Winer, Director, Banking Research & Statistics Division, (202) 874-5240; or C. Stewart Goddin, Senior International Economic Advisor, International Banking and Finance, (202) 874-4730, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Ronald Shimabukuro, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division,

250 E Street SW., Washington, DC 20219, 202 874-4460

**RIN:** 1557-AA96

**2706. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES: CHANGES IN DIRECTORS AND SENIOR EXECUTIVE OFFICERS**

**Legal Authority:** 12 USC 93a; PL 101-73 FIRREA; 12 USC 1831i

**CFR Citation:** 12 CFR 5.51

**Legal Deadline:** None

**Abstract:** This temporary rule amending 12 CFR 5 implements section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) by adding a new section 5.51. The new section requires certain national banks to file a notice with the OCC prior to adding or replacing a member of the board of directors, and prior to employing or changing the responsibilities of an individual to a position as senior executive officer. The OCC may disapprove any proposed board member or senior executive officer whose service is not considered to be in the best interests of the depositors of the national bank or the public. The regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/90	55 FR 7692
NPRM Comment	05/04/90	55 FR 7692
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ADDITIONAL AGENCY CONTACTS: Frank R. Carbone, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5170, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** F. John Podvin, Jr., Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

**RIN:** 1557-AA97



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**2707. ● REAL ESTATE LENDING AND APPRAISALS; APPENDIX A TO SUBPART C: EXCERPTS FROM THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE APPLICABLE TO FEDERALLY RELATED TRANSACTIONS**

**Legal Authority:** 12 USC 1 et seq; 12 USC 93a; 12 USC 371; 12 USC 1701j-3; 12 USC 3331 et seq

**CFR Citation:** 12 CFR 34, app A

**Legal Deadline:** None

**Abstract:** This regulation will codify portions of the Uniform Standards of Professional Appraisal Practice applicable to federally related transactions pursuant to Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989. This regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/31/90	55 FR 53610
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Horace G. Sneed, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

**RIN:** 1557-AB11

**2708. ● REAL ESTATE LENDING STANDARDS**

**Significance:** Regulatory Program

**Legal Authority:** 12 USC 1 et seq; 12 USC 93a; 12 USC 371; 12 USC 1701j-3; 12 USC 1828(o); 12 USC 3331 et seq

**CFR Citation:** 12 CFR 34

**Legal Deadline:** Final, Statutory, September 19, 1992.

**Abstract:** The OCC is proposing a regulation to implement section 304 of the Federal Deposit Insurance Corporation Improvement Act of 1991 which requires the Federal banking agencies to adopt uniform regulations prescribing standards for real estate lending. Section 304 defines real estate lending as extensions of credit secured by liens on interests in real estate or made for the purpose of financing the construction of a building or other improvements to real estate, regardless of whether a lien has been taken on the property. In establishing these standards, the agencies are to consider: The risk posed to the deposit insurance funds by such extensions of credit; the need for safe and sound operation of insured depository institutions; and the availability of credit. The agencies are proposing to establish loan-to-value (LTV) ratio limitations on real estate lending by insured depository institutions. Certain transactions would be excluded from the LTV ratio limitations. The effect on small entities will be considered in the development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/16/92	57 FR 31594
Supplementary Analysis	08/17/92	57 FR 36911
ANPRM Comment Period End	08/31/92	57 FR 31594
Final Action	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** ADDITIONAL AGENCY CONTACTS: William Templeton, Attorney, Bank Operations and Assets Division, (202) 874-4460; or Mitchell Stengel, Financial Economist, Banking Research and Statistics, (202) 874-5240, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Frank R. Carbone, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Office of the Chief National Bank Examiner, 250 E Street SW., Washington, DC 20219, 202 874-5170

**RIN:** 1557-AB18

**2709. ● EXTENSIONS OF CREDIT TO NATIONAL BANK INSIDERS**

**Legal Authority:** 12 USC 93a

**CFR Citation:** 12 CFR 31

**Legal Deadline:** None

**Abstract:** This rulemaking will implement section 306 of the Federal Deposit Insurance Corporation Improvement Act of 1991. The only change will be to modify the authority citation. This rule will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** David Thede, Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

**RIN:** 1557-AB23

**DEPARTMENT OF THE TREASURY (TREAS)**

**Completed Actions**

**Comptroller of the Currency (OCC)**

**2710. DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION**

**Legal Authority:** 5 USC 552; 12 USC 93a

**CFR Citation:** 12 CFR 4

**Legal Deadline:** None

**Abstract:** This regulation implements amendments to the Freedom of Information Act (FOIA). The

amendments concern Exemption 7 of the FOIA (relating to law enforcement records) and the provisions of the FOIA concerning fees and fee waivers. In addition, the regulation implements Executive Order 12600, which deals with predisclosure notification procedures for confidential commercial information. This regulation also makes technical changes to the OCC's existing

FOIA regulation. This regulation, and the OCC's FOIA regulations in general, affect public disclosure of information by the OCC. This regulation will not have a significant economic impact on a substantial number of small entities.



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**Completed Actions**

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/89	54 FR 32820
NPRM Comment Period End	10/10/89	54 FR 32820
Final Action	07/22/92	57 FR 32415
Final Action Effective	08/21/92	57 FR 32415

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ADDITIONAL AGENCY CONTACT: Frank Vance, Jr., Disclosure Officer, (202) 874-4700, 250 E Street, SW., Washington, DC 20219.

**Agency Contact:** Ferne Fishman Rubin, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5300

**RIN:** 1557-AA77

**2711. EXTENSIONS OF CREDIT TO NATIONAL BANK INSIDERS**

**Legal Authority:** 12 USC 93a; 12 USC 375a(4)

**CFR Citation:** 12 CFR 31.2(c)

**Legal Deadline:** None

**Abstract:** This rulemaking will clarify that capital and surplus limitations imposed on insider lending can be calculated as of the date a loan is made. The effect on small entities will be considered in the development of this rulemaking.

**Timetable:**

Action	Date	FR Cite
Withdrawn	06/19/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Harold J. Hansen, Assistant Director, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5300

**RIN:** 1557-AA89

**2712. REAL ESTATE LENDING AND APPRAISALS**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1 et seq; 12 USC 93a; 12 USC 371; 12 USC 1701j-3; 12 USC 3331 et seq

**CFR Citation:** 12 CFR 34.42; 12 CFR 34.43; 12 CFR 34.44

**Legal Deadline:** None

**Abstract:** This final rule eliminates the requirement for regulated institutions to obtain appraisals by certified or licensed appraisers for real estate-related financial transactions having a value, as defined in the rule, of \$100,000 or less; permits regulated institutions to use appraisals prepared for loans insured or guaranteed by an agency of the Federal Government if the appraisal conforms to regulations or other written requirements of the federal insurer or guarantor; excepts appraisals involving one- to four-family residential properties from certain minimum appraisal standards under specified conditions; and adds a definition of "real estate" and "real property" to clarify that the appraisal regulation does not apply to transactions involving mineral rights, timber rights, growing crops, or similar interests in real estate when the transaction does not involve the associated parcel or tract of land. This regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/91	56 FR 42546
NPRM Comment Period End	09/27/91	56 FR 42547
Final Action	04/09/92	57 FR 12190
Final Action Effective	04/09/92	57 FR 12191

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Horace G. Sneed, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

**RIN:** 1557-AB09

**2713. ● ASSESSMENTS**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 93a; 12 USC 481; 12 USC 482; 12 USC 3102; 15 USC 78c; 15 USC 1; 26 DC Code 102

**CFR Citation:** 12 CFR 8

**Legal Deadline:** None

**Abstract:** The OCC has adopted its proposal to amend its regulations on assessments to increase the assessment

schedule marginal rates by 30 percent and set asset brackets for all national banks. Also, the OCC is changing the method used to index the assessment schedule for inflation or deflation. The OCC will now adjust the marginal assessment rates. In the past, the OCC adjusted the asset size ranges against which the marginal assessment rates were applied. This final rule affects national banks, District of Columbia banks supervised by the OCC and federally licensed branches and agencies of foreign banks. This final rule is intended to provide adequate funding for the increased examination requirements necessitated primarily by the Federal Deposit Insurance Corporation Improvement Act of 1991, but also by other changes in the industry. This regulation will not have a significant economic impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	03/10/92	57 FR 8424
NPRM Comment Period End	04/09/92	57 FR 8424
Final Action	05/28/92	57 FR 22413
Final Action Effective	06/29/92	57 FR 22413

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ADDITIONAL AGENCY CONTACT: Roy Madsen, Associate Director, Financial Management, (202) 874-5130, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Christina Trojan-Masnyk, Attorney, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5090

**RIN:** 1557-AB10

**2714. ● MINIMUM CAPITAL RATIOS; RISK-BASED CAPITAL GUIDELINES; RESIDENTIAL CONSTRUCTION LOANS SECURED BY PRESOLD HOMES**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

**CFR Citation:** 12 CFR 3

**Legal Deadline:** NPRM, Statutory, April 10, 1992.



## TREAS—OCC

## Completed Actions

**Abstract:** This regulation amends the risk-based capital guidelines, 12 CFR part 3, appendix A, to include in the 50 percent risk weight category, certain loans to builders for presold one- to four-family residential property construction and loans secured by multifamily residential properties. This regulation will not have a significant impact on a substantial number of small entities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/92	57 FR 12218
NPRM Comment Period End	05/11/92	57 FR 12218
Final Action	09/03/92	57 FR 40302
Final Action Effective	10/05/92	57 FR 40302

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Ronald Shimabukuro, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

**RIN:** 1557-AB13

### 2715. ● PROMPT CORRECTIVE ACTION

**Significance:** Regulatory Program

**Legal Authority:** 12 USC 93a; 12 USC 1831o; 5 USC 504; 5 USC 554 to 557; 12 USC 93b; 12 USC 164; 12 USC 505; 12 USC 1817; 12 USC 1818; 12 USC 1820; 12 USC 1972; 12 USC 3102; 12 USC 3108(a); 12 USC 3909; 15 USC 78(h); ...

**CFR Citation:** 12 CFR 6; 12 CFR 19

**Legal Deadline:** Final, Statutory, September 19, 1992.

**Abstract:** The OCC is adopting a final rule to implement section 38 of the Federal Deposit Insurance Act, as added by section 131 of the Federal Deposit Insurance Corporation Improvement Act of 1991. Section 38 requires each Federal banking agency to implement prompt corrective action for the institutions that it regulates. The agencies have also revised their rules of practice for hearings to establish procedures for the issuance of directives and other actions required under prompt corrective action. Section 38 requires or permits the agencies to take certain supervisory actions when an insured depository institution falls within one of five specifically enumerated capital categories. It also restricts or prohibits certain activities and requires the submission of a capital restoration plan when an insured institution becomes undercapitalized. The regulation is necessary to establish the capital levels at which institutions will be deemed to come within the five capital categories. The regulation also

establishes procedures for issuing and contesting prompt corrective action directives including directives requiring the dismissal of directors and senior executive (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	07/07/92	57 FR 29808
NPRM Comment Period End	08/21/92	57 FR 29808
Final Action	09/29/92	57 FR 44866
Final Action Effective	12/19/92	57 FR 44866

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: officers.

**ADDITIONAL AGENCY CONTACTS:** Kevin J. Bailey, Executive Assistant, Senior Deputy Comptroller for Bank Supervision Operations, (202) 874-5030; or Beth Kirby, Senior Attorney, Corporate Organization and Resolutions Division, (202) 874-5300, 250 E Street SW., Washington, DC 20219.

**Agency Contact:** Daniel Berkland, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Office of the Chief National Bank Examiner, 250 E Street SW., Washington, DC 20219, 202 874-4450

**RIN:** 1557-AB16

[FR Doc. 92-24175 Filed 11-02-92; 8:45 am]

**BILLING CODE** 4810-33-F

## DEPARTMENT OF THE TREASURY (TREAS)

### United States Customs Service (CUSTOMS)

#### Customs Service

#### 19 CFR Ch. I

#### Semiannual Agenda

**AGENCY:** U.S. Customs Service, Treasury.

**ACTION:** Semiannual agenda.

**SUMMARY:** In response to Public Law 96-354, the "Regulatory Flexibility Act," and Executive Order 12291 "Federal Regulation," Customs is publishing for public information a list of regulations

either under development or under review.

**FOR FURTHER INFORMATION CONTACT:**

For additional information about a specific regulation contained in this agenda, contact the "Agency Contact" listed in the specific regulatory action.

**SUPPLEMENTARY INFORMATION:** The projects listed below are not considered to be "major" regulations within the meaning of E.O. 12291 and will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, additional specific statutory authority is indicated as the legal authority for the project.

Dated: August 25, 1992.

John B. O'Loughlin,

Acting Assistant Commissioner, Office of Commercial Operations.



## TREAS—CUSTOMS

## United States Customs Service—Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2716	19 CFR 134 Country of Origin Marking.....	1515-AA59
2717	19 CFR 111 Broker Compliance.....	1515-AA85
2718	19 CFR 111.14 Contracting Out of Investigations.....	1515-AA90
2719	19 CFR 132 Quota Processing.....	1515-AA98
2720	19 CFR 10 Marking Assembled Articles.....	1515-AB07
2721	19 CFR 7.8 U.S. Insular Possessions—Duty-Free Treatment.....	1515-AB14
2722	19 CFR 141.89 Invoice Requirements.....	1515-AB17
2723	19 CFR 101 Standards for the Establishment of Customs Services.....	1515-AB18
2724	19 CFR 146 Petroleum Refineries in Foreign Trade Subzones.....	1515-AB20
2725	19 CFR 141 Prefiling of Entry Documentation.....	1515-AB21
2726	19 CFR 19 Consolidation of In-Bond Export Shipments.....	1515-AB23
2727	19 CFR 113 Automated Surety Interface.....	1515-AB25

## United States Customs Service—Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
2728	19 CFR 4 Customs User Fees.....	1515-AA50
2729	19 CFR 4 Harbor Maintenance Fee.....	1515-AA57
2730	19 CFR 162 Highest Degree of Care and Diligence to Prevent Unmanifested Narcotics and Marijuana.....	1515-AA67
2731	19 CFR 133 Enforcement of Protection of Semiconductor Chip Products; Patent Surveys.....	1515-AA81
2732	19 CFR 10 United States-Israel Free Trade.....	1515-AA84
2733	19 CFR 24 Donated Cargo Exemption From Harbor Maintenance Fee.....	1515-AA87
2734	19 CFR 103 Dissemination of Manifest Data Tapes.....	1515-AA94
2735	19 CFR 122 International, Landing Rights and User Fee Airports.....	1515-AA95
2736	19 CFR 122 Aircraft Arriving From Puerto Rico and U.S. Virgin Islands.....	1515-AA99
2737	19 CFR 103 Testimony or the Production of Documents in Court.....	1515-AB02
2738	19 CFR 10 Voluntary Restraint Arrangements—Steel.....	1515-AB04
2739	19 CFR 142 Line Release.....	1515-AB08
2740	19 CFR 118 (New) Centralized Examination Stations.....	1515-AB10
2741	19 CFR 24 Assessment of Liquidated Damages for Failure to Deposit Estimated Duties or to Remit Passenger Processing Fees to Customs.....	1515-AB15
2742	19 CFR 102 (New) Rules of Origin.....	1515-AB19
2743	19 CFR 10.175 Customs Regulations Amendment Relating to the Generalized System of Preferences Direct Importation Requirement.....	1515-AB24

## United States Customs Service—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
2744	19 CFR 19 Customs Warehouses; Duty-Free Stores.....	1515-AA22
2745	19 CFR 141 Assignment of Customs Bankruptcy Priority to Brokers/Sureties.....	1515-AB05
2746	19 CFR 18.11 Air Waybill as In-Bond Document.....	1515-AB12
2747	19 CFR 4 Unlading of Foreign Vessels Allowed Prior to Entry at U.S. Ports Subsequent to Initial U.S. Port Arrival....	1515-AB22



**DEPARTMENT OF THE TREASURY (TREAS)**  
**United States Customs Service (CUSTOMS)**

Proposed Rule Stage

**2716. COUNTRY OF ORIGIN MARKING**

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624

**CFR Citation:** 19 CFR 134

**Legal Deadline:** None

**Abstract:** Amendment to the Customs Regulations relating to the requirement that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the United States, the English name of the country of origin of the article. Proposal would require that whenever the full or abbreviated name of a country or place other than the country of origin, or a symbol readily associated with a country or place other than the country of origin appears anywhere on a foreign article or its container, then the actual country of origin of the article must be marked on the article or its container in close proximity to each reference to the country or place not the country of origin, or a hang tag or sticker affixed to a highly conspicuous portion of the article.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lorrie Rodbart, Attorney, Department of the Treasury, United States Customs Service, Room 2112, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-2938

**RIN:** 1515-AA59

**2717. BROKER COMPLIANCE**

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641

**CFR Citation:** 19 CFR 111

**Legal Deadline:** None

**Abstract:** Amendment of Customs Regulations to permit more effective management of the broker community's legal requirements and to allow Customs to deal with operational problems dealing with brokers and to facilitate processing license applications and the review of penalty recommendations forwarded by District Directors.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Ray Janiszewski, Chief, Broker Compliance and Evaluation Branch, Department of the Treasury, United States Customs Service, Room 1422, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8246

**RIN:** 1515-AA85

**2718. CONTRACTING OUT OF INVESTIGATIONS**

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641; 19 USC 1551; 19 USC 1565; 19 USC 1623

**CFR Citation:** 19 CFR 111.14; 19 CFR 112

**Legal Deadline:** None

**Abstract:** Amends Customs regulations to permit the contracting out of investigations which Customs is required to perform.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Frank Algozzini, Project Officer, Department of the Treasury, United States Customs Service, Room B420, 1301 Constitution Avenue NW., Washington, DC 20229, 202 535-6194

**RIN:** 1515-AA90

**2719. QUOTA PROCESSING**

**Legal Authority:** 19 USC 1624; 19 USC 1202; 19 USC 66; 19 USC 1623

**CFR Citation:** 19 CFR 132; 19 CFR 141; 19 CFR 142

**Legal Deadline:** None

**Abstract:** Proposal to permit certain filers using the automated broker interface who pay duties and taxes through the statement processing program using the ACH electronic payment mechanism to receive a date and time of presentation for quota merchandise consistent with the date and time of arrival of the carrier on which the quota class merchandise was

carried even if the Customs office is not open at that time.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Linda Mays, Operations Officer, Department of the Treasury, United States Customs Service, ICC Building, Room 2379, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8592

**RIN:** 1515-AA98

**2720. MARKING ASSEMBLED ARTICLES**

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624

**CFR Citation:** 19 CFR 10

**Legal Deadline:** None

**Abstract:** Amends Customs regulations to remove section 10.22 under which articles must be marked with country of assembly when reported under Item 9802.00.80 of Harmonized Tariff Schedule.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lorrie Rodbart, Attorney-Advisor, Department of the Treasury, United States Customs Service, Room 2112, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-2938

**RIN:** 1515-AB07

**2721. U.S. INSULAR POSSESSIONS—DUTY-FREE TREATMENT**

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1624

**CFR Citation:** 19 CFR 7.8

**Legal Deadline:** None

**Abstract:** Rule setting forth in detail the criteria which must be met to obtain duty-free treatment for products imported from U.S. insular possessions.



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**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Linda Schreiber, Attorney-Advisor, Department of the Treasury, United States Customs Service, Special Classification Branch, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-5868

**RIN:** 1515-AB14

**2722. INVOICE REQUIREMENTS**

**Legal Authority:** 19 USC 66; 19 USC 1448; 19 USC 1481; 19 USC 1484; 19 USC 1624

**CFR Citation:** 19 CFR 141.89

**Legal Deadline:** None

**Abstract:** Rule setting forth revised requirements for product descriptions on invoices pertaining to imported merchandise.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Elliott Feldman, Operations Officer, Department of the Treasury, United States Customs Service, Office of Trade Operations, 1301 Constitution Avenue NW., Washington, DC 20229, 202 343-9849

**RIN:** 1515-AB17

**2723. STANDARDS FOR THE ESTABLISHMENT OF CUSTOMS SERVICES**

**Legal Authority:** 5 USC 301; 19 USC 2; 19 USC 586; 19 USC 66; 19 USC 1202; 19 USC 1623; 19 USC 1624

**CFR Citation:** 19 CFR 101

**Legal Deadline:** None

**Abstract:** Notice of proposed rulemaking to amend part 101 to set forth standards and procedures for the establishment of Customs services and for the upgrading of existing facilities to port of entry status.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Joseph O'Gorman, Department of the Treasury, United States Customs Service, Office of Inspection and Control, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8157

**RIN:** 1515-AB18

**2724. ● PETROLEUM REFINERIES IN FOREIGN TRADE SUBZONES**

**Legal Authority:** 19 USC 66; 19 USC 81a to u; 19 USC 1202 (Gen Note 8, Harmonized Tariff Schedule of the US); 19 USC 1623; 19 USC 1624

**CFR Citation:** 19 CFR 146

**Legal Deadline:** None

**Abstract:** Rule to add special procedures and requirements governing the operations of crude petroleum refineries approved as foreign trade subzones, in implementation of section 9002 of the Technical and Miscellaneous Revenue Act of 1988.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/92	57 FR 35530
NPRM Comment	10/09/92	
Period End		
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Louis Hryniw, Supervisory Auditor, Department of the Treasury, United States Customs Service, Room 2317, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-2812

**RIN:** 1515-AB20

**2725. ● PREFILING OF ENTRY DOCUMENTATION**

**Legal Authority:** 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

**CFR Citation:** 19 CFR 141; 19 CFR 142

**Legal Deadline:** None

**Abstract:** Rule limiting the privilege of prefilling entry documentation to entry filers who are either participants in the Automated Broker Interface or who file entries manually for merchandise which

is transported on carriers that are participants in the Automated Manifest System.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/06/91	56 FR 56608
ANPRM	01/06/92	
Comment		
Period End		
NPRM	02/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Ernest Cunningham, Inspector, Department of the Treasury, United States Customs Service, Room 4404, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-5354

**RIN:** 1515-AB21

**2726. ● CONSOLIDATION OF IN-BOND EXPORT SHIPMENTS**

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202 (Gen Note 8, Harmonized Tariff Schedule of the US); 19 USC 1624

**CFR Citation:** 19 CFR 19

**Legal Deadline:** None

**Abstract:** Rule to provide specific regulatory control over the activities of consolidators of in-bond cargo for exportation.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Ernest L. Cunningham, Inspector, Department of the Treasury, United States Customs Service, Room 4408, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8151

**RIN:** 1515-AB23

**2727. ● AUTOMATED SURETY INTERFACE**

**Legal Authority:** 19 USC 66; 19 USC 1623; 19 USC 1624

**CFR Citation:** 19 CFR 113

**Legal Deadline:** None

**Abstract:** Provides for an automated system through which participating sureties will electronically provide to Customs acknowledgement that they



## TREAS—CUSTOMS

## Proposed Rule Stage

are liable for transactions identified under their bonds.

**Timetable:**

Action	Date	FR Cite
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NPRM	04/00/93	
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**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Diane Hundertmark, ACS Specialist, Department of the Treasury, United States Customs Service, Room 2345, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0355

**RIN:** 1515-AB25

## DEPARTMENT OF THE TREASURY (TREAS)

## Final Rule Stage

## United States Customs Service (CUSTOMS)

## 2728. CUSTOMS USER FEES

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272

**CFR Citation:** 19 CFR 4; 19 CFR 6; 19 CFR 24; 19 CFR 111; 19 CFR 123; 19 CFR 145

**Legal Deadline:** Final, Statutory, July 7, 1988.

**Abstract:** Amends Customs Regulations to provide for payment of specific fees to Customs for the processing of persons, aircraft, vehicles and merchandise arriving in the United States as well as for the payment of an annual fee by Customs brokers.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/11/86	51 FR 21152
Final Rule Pending Internal Decision	05/01/88	
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Denise Crawford, Operations Officer, Department of the Treasury, United States Customs Service, Room 4133, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-9425

**RIN:** 1515-AA50

## 2729. HARBOR MAINTENANCE FEE

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 81a to 81u; 19 USC 623; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272; PL 99-509; PL 99-662

**CFR Citation:** 19 CFR 4; 19 CFR 24; 19 CFR 146; 19 CFR 178

**Legal Deadline:** Final, Statutory, April 1, 1987.

**Abstract:** Amendments to the Customs Regulations to implement provisions of the Water Resources Development Act of 1986 which authorizes Customs to assess a harbor maintenance fee of 0.125 percent (.00125) on the value of commercial cargo loaded on or unloaded from a commercial vessel at a port unless specifically exempted from the fee. Proceeds of the fee are deposited in a trust fund for the U.S. Army Corps of Engineers to use for the improvement and maintenance of U.S. ports and harbors.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/30/87	52 FR 10198
Interim Final Rule Public Comment Period End	08/28/87	
Comments Being Analyzed	02/08/88	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Patricia Barbare, Department of the Treasury, United States Customs Service, Room 4118, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8301

**RIN:** 1515-AA57

## 2730. HIGHEST DEGREE OF CARE AND DILIGENCE TO PREVENT UNMANIFESTED NARCOTICS AND MARIJUANA

**Significance:** Regulatory Program

**Legal Authority:** 19 USC 1584; 19 USC 1594; 19 USC 1595a; 21 USC 960; 21 USC 961; PL 99-570

**CFR Citation:** 19 CFR 162

**Legal Deadline:** Final, Statutory, February 17, 1989.

Required by 19 USC 1584 note.

**Abstract:** Amendment to the Customs Regulations relating to the liability of common carriers to penalties, seizure and forfeiture for unmanifested narcotic drugs or marijuana. The proposed changes would add to the regulations the statutory standard for the highest degree of care and diligence on the part of common carriers in preventing unmanifested drugs and marijuana. It also sets forth specific duties and procedures by which the standard is defined and against which compliance with the standard can be determined. These duties and procedures include such security measures as background investigations of employees, access restrictions to cargo areas, use of lighting in storage areas, and similar measures.

**Timetable:**

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4835
NPRM Comment Period End	04/03/89	
Second NPRM	02/12/91	56 FR 5665
Second NPRM Comment Period End	03/14/91	
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Harriett D. Blunk, Attorney, Department of the Treasury, United States Customs Service, Room 1416, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8317

**RIN:** 1515-AA67

## 2731. ENFORCEMENT OF PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS; PATENT SURVEYS

**Legal Authority:** 17 USC 901 to 914; 19 USC 66; 19 USC 1623; 19 USC 1624

**CFR Citation:** 19 CFR 133; 19 CFR 12; 19 CFR 24

**Legal Deadline:** None



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**Abstract:** This document proposes to amend the Customs Regulations to enable persons seeking protection from infringing semiconductor chip products (mask works) to obtain the assistance of Customs in preventing pirated chips from being imported into the United States. This would give rise to a process of Customs recordation of mask works similar to that for copyrights.

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/89	54 FR 40882
NPRM Comment Period End	03/26/90	55 FR 2386
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John F. Atwood, Director, Intellectual Property Rights Task Force, Department of the Treasury, United States Customs Service, Room 4117, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8933

**RIN:** 1515-AA81

**2732. UNITED STATES-ISRAEL FREE TRADE**

**Legal Authority:** 99 Stat 82; 19 USC 2112

**CFR Citation:** 19 CFR 10

**Legal Deadline:** None

**Abstract:** Amends Customs Regulations to include for public information the legal and existing administrative rules under which the United States-Israel Free Trade Area is presently being conducted. Under this program, products of Israel are entitled to free or reduced rates.

**Timetable:**

Action	Date	FR Cite
NPRM	07/31/92	57 FR 33909
NPRM Comment Period End	09/29/92	
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Maritza Castro, Operations Officer, Department of the Treasury, United States Customs Service, Room 1311, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-7090

**RIN:** 1515-AA84

**2733. DONATED CARGO EXEMPTION FROM HARBOR MAINTENANCE FEE**

**Legal Authority:** 5 USC 301; 19 USC 58a; 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; 19 USC 58b; 19 USC 58c

**CFR Citation:** 19 CFR 24

**Legal Deadline:** None

**Abstract:** Amends interim Customs Regulations relating to harbor maintenance fees. The interim regulations established a shipping fee for transporting cargo on specified U.S. waterways. The Act was amended to include an exemption for nonprofit organizations or cooperatives which own or finance cargo determined by Customs to be intended for use in humanitarian or development assistance overseas. This amendment sets forth the applicability and terms of this exemption.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/08/92	57 FR 607
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Patricia Barbare, Operations Officer, User Fee Task Force, Department of the Treasury, United States Customs Service, Room 4112, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8684

**RIN:** 1515-AA87

**2734. DISSEMINATION OF MANIFEST DATA TAPES**

**Legal Authority:** 5 USC 301; 5 USC 552; 19 USC 66; 19 USC 1624; 31 USC 9701

**CFR Citation:** 19 CFR 103

**Legal Deadline:** None

**Abstract:** Rule to specify Customs policy for providing manifest data tapes to the public.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Debbie Flickinger, Resource Management Specialist, Department of the Treasury, United States Customs Service, Room 7319,

1301 Constitution Avenue NW., Washington, DC 20229, 202 566-5260

**RIN:** 1515-AA94

**2735. INTERNATIONAL, LANDING RIGHTS AND USER FEE AIRPORTS**

**Legal Authority:** 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1459; 19 USC 1590; 19 USC 1624; 19 USC 1644; 49 USC 1509

**CFR Citation:** 19 CFR 122

**Legal Deadline:** None

**Abstract:** Amends Customs regulations to clarify standards for permission to land at landing rights airports and for termination of user fee airport status, to update the list of user fee airports, and to improve the arrangement of the regulations regarding classes of airports.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/91	56 FR 66814
NPRM Comment Period End	02/24/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Michael Lovejoy, Inspector, Department of the Treasury, United States Customs Service, Room 4128, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8157

**RIN:** 1515-AA95

**2736. AIRCRAFT ARRIVING FROM PUERTO RICO AND U.S. VIRGIN ISLANDS**

**Legal Authority:** 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1459; 19 USC 1590; 19 USC 1624; 19 USC 1644; 49 USC app 1509

**CFR Citation:** 19 CFR 122

**Legal Deadline:** None

**Abstract:** Rule to require aircraft arriving from Puerto Rico or U.S. Virgin Islands to comply with landing requirements for private aircraft arriving from areas south of the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	00/00/00	

**Small Entities Affected:** None



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**Government Levels Affected:** None

**Agency Contact:** John Bamford, Enforcement Aviation Operations Officer, Department of the Treasury, United States Customs Service, Room 5303, 1301 Constitution Avenue NW., Washington, DC 20229, 202 535-9310

**RIN:** 1515-AA99

**2737. TESTIMONY OR THE PRODUCTION OF DOCUMENTS IN COURT**

**Legal Authority:** 5 USC 552; 19 USC 66; 19 USC 1624; 31 USC 9201

**CFR Citation:** 19 CFR 103

**Legal Deadline:** None

**Abstract:** Amend Customs regulations to require subpoenaing parties to advise Customs of the nature of the case and testimony to be elicited.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Lee H. Kramer, Attorney, Department of the Treasury, United States Customs Service, Room 2119, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8681

**RIN:** 1515-AB02

**2738. VOLUNTARY RESTRAINT ARRANGEMENTS—STEEL**

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 2253 note

**CFR Citation:** 19 CFR 10

**Legal Deadline:** None

**Abstract:** Amends Customs regulations to set forth entry requirements applicable to imported steel products subject to voluntary restraint arrangements between the U.S. and certain steel-exporting countries. Action mandated by the Steel Import Stabilization Act, as amended by the Steel Trade Liberalization Program Implementation Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/13/90	55 FR 37701

Action	Date	FR Cite
Correction Document	10/22/90	55 FR 42556
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Frank Crowe, Operations Officer, Department of the Treasury, United States Customs Service, Room 1303, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-9262

**RIN:** 1515-AB04

**2739. LINE RELEASE**

**Legal Authority:** 19 USC 66; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1624

**CFR Citation:** 19 CFR 142

**Legal Deadline:** None

**Abstract:** Amends Customs regulations to incorporate automated line release system as the method of entering merchandise into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/91	56 FR 42568
NPRM Comment Period End	10/28/91	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** William Nolle, ACS Officer, Department of the Treasury, United States Customs Service, Room 2341, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-7907

**RIN:** 1515-AB08

**2740. CENTRALIZED EXAMINATION STATIONS**

**Significance:** Agency Priority

**Legal Authority:** 19 USC 66; 19 USC 1499; 19 USC 1623; 19 USC 1924

**CFR Citation:** 19 CFR 118 (New)

**Legal Deadline:** None

**Abstract:** Proposes to add a new part 118 to the Customs Regulations setting forth a regulatory framework for the establishment, operation and termination of Centralized Examination Stations (CES). CESs are privately operated facilities at which imported merchandise is made available to Customs Inspectors for physical

examination. By having centrally located work sites, Customs will better use its inspectional resources and clear higher volumes of cargo.

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/91	56 FR 33734
NPRM Comment Period End	09/23/91	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Patricia Duffy, Inspector, Department of the Treasury, United States Customs Service, Room 4406, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8151

**RIN:** 1515-AB10

**2741. ASSESSMENT OF LIQUIDATED DAMAGES FOR FAILURE TO DEPOSIT ESTIMATED DUTIES OR TO REMIT PASSENGER PROCESSING FEES TO CUSTOMS**

**Legal Authority:** 5 USC 301; 19 USC 58a to 58c; 19 USC 66; 19 USC 1202; 19 USC 1448; 19 USC 1484; 19 USC 1623; 19 USC 1624; 26 USC 4461; 26 USC 4462; 31 USC 9701

**CFR Citation:** 19 CFR 24; 19 CFR 113; 19 CFR 142

**Legal Deadline:** None

**Abstract:** Proposed Customs regulations amendments permitting assessment of liquidated damages for failure to deposit estimated duties in a timely manner, or to remit passenger processing fees to Customs.

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/92	57 FR 4589
NPRM Comment Period End	04/06/92	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Jeremy Baskin, Attorney-Advisor, Department of the Treasury, United States Customs Service, Room 2138, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8317

**RIN:** 1515-AB15



**TREAS—CUSTOMS**

**Final Rule Stage**

**2742. RULES OF ORIGIN**

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 46 USC app 3

**CFR Citation:** 19 CFR 102 (New); 19 CFR 4.80b(a); 19 CFR 10.12(e); 19 CFR 10.14(b); 19 CFR 10.171(c); 19 CFR 10.191(b)(3); 19 CFR 134.1(b), (d), and (e); 19 CFR 134.35; 19 CFR 177.22(a)

**Legal Deadline:** None

**Abstract:** Rule setting forth uniform standards for determining the country of origin of base metal products and of all products wholly obtained or produced in one country.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48448
NPRM Comment Period End	01/09/92	56 FR 61214
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Valentine, Attorney-Advisor, Department of the Treasury, United States Customs Service, International Nomenclature Staff, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8530

**RIN:** 1515-AB19

**2743. ● CUSTOMS REGULATIONS AMENDMENT RELATING TO THE GENERALIZED SYSTEM OF PREFERENCES DIRECT IMPORTATION REQUIREMENT**

**Legal Authority:** 19 USC 2461 to 2465; 19 USC 66; 19 USC 1202; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624

**CFR Citation:** 19 CFR 10.175

**Legal Deadline:** None

**Abstract:** Regulation expands the "imported directly" definition in the

Customs Regulations pertaining to the Generalized System of Preferences (GSP) to allow goods produced in a member of a GSP-eligible association of countries to be shipped through and processed in another member of the association even though that member's designation as a GSP-eligible country was terminated by the President.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/17/92	57 FR 2016
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Craig Walker, Attorney Advisor, Office of Regulations and Rulings, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-2938

**RIN:** 1515-AB24

**DEPARTMENT OF THE TREASURY (TREAS)  
United States Customs Service (CUSTOMS)**

**Completed Actions**

**2744. CUSTOMS WAREHOUSES; DUTY-FREE STORES**

**Legal Authority:** 19 USC 1556; 19 USC 1565; 19 USC 1623

**CFR Citation:** 19 CFR 19; 19 CFR 144

**Legal Deadline:** None

**Abstract:** Consideration of various actions in regard to administration of duty-free stores. Actions range from abolition of stores to their designation as class of bonded warehouse and/or increased regulation. Actions necessary due to need for increased efficiency of store administration by Customs and to address enforcement problems related to stores. Public comment requested on actions under consideration, as well as store operations in general. Work Plan 83-1 approved.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/21/83	48 FR 33318
ANPRM Comment Period End	09/19/83	
Notice of Status	07/07/86	51 FR 24535
Congressional Action PL 100-418	08/23/88	

Action	Date	FR Cite
NPRM	05/17/91	56 FR 22833
NPRM Comment Period End	08/15/91	56 FR 33733
Final Action	08/20/92	57 FR 37692
Final Action Effective	10/19/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Pat Duffy, Operations Officer, Department of the Treasury, United States Customs Service, Room 4414, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-5354

**RIN:** 1515-AA22

**2745. ASSIGNMENT OF CUSTOMS BANKRUPTCY PRIORITY TO BROKERS/SURETIES**

**Legal Authority:** 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624; 11 USC 507

**CFR Citation:** 19 CFR 141

**Legal Deadline:** None

**Abstract:** Amend regulations to assign Customs priority status in bankruptcy under 11 USC 507(7)(f) to brokers acting as importer of record or sureties who

assume liability for duties on behalf of an importer which subsequently files a petition in bankruptcy.

**Timetable:**

Action	Date	FR Cite
NPRM	03/06/91	56 FR 9311
NPRM Comment Period End	05/06/91	
Final Action	06/18/92	57 FR 27159
Final Action Effective	07/20/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Lehman, Attorney, Department of the Treasury, United States Customs Service, Room 3305, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-5476

**RIN:** 1515-AB05

**2746. AIR WAYBILL AS IN-BOND DOCUMENT**

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1551; 19 USC 1552; 19 USC 1553; 19 USC 1624

**CFR Citation:** 19 CFR 18.11; 19 CFR 18.20; 19 CFR 122.92

**Legal Deadline:** None



## TREAS—CUSTOMS

## Completed Actions

**Abstract:** Amends the Customs Regulations to add specific mention of the availability of using an air waybill as an in-bond document. Use of the air waybill for this purpose facilitates the movement of cargo and the delivery of in-bond freight.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/91	56 FR 67253
NPRM Comment	02/28/92	
Period End		
Final Action	08/24/92	57 FR 38274
Final Action	10/23/92	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Nat Aycox, Inspector, Department of the Treasury, United States Customs Service, Room 4402,

1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8151

**RIN:** 1515-AB12

**2747. ● UNLADING OF FOREIGN VESSELS ALLOWED PRIOR TO ENTRY AT U.S. PORTS SUBSEQUENT TO INITIAL U.S. PORT ARRIVAL**

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1624; 46 USC app 3; 46 USC app 163

**CFR Citation:** 19 CFR 4

**Legal Deadline:** None

**Abstract:** Rule to place within the discretion of the district director the right to issue to a foreign vessel that has already made formal entry at its first port of arrival in the United States a permit to unlade cargo at subsequent coastwise ports before entry of the vessel is made. The permit to unlade may be issued without the foreign

vessel being required to make preliminary entry and before the vessel makes formal entry.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/92	57 FR 2859
NPRM Comment	03/24/92	
Period End		
Final Action	08/11/92	57 FR 35750
Final Action	09/10/92	
Effective		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Leo Morris, Inspector, Department of the Treasury, United States Customs Service, Room 4404, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8151

**RIN:** 1515-AB22

[FR Doc. 92-22390 Filed 11-02-92; 8:45 am]

**BILLING CODE** 4820-02-F

## DEPARTMENT OF THE TREASURY (TREAS)

## Internal Revenue Service (IRS)

## Internal Revenue Service

## 26 CFR Ch. I

## Improving Government Regulations; Semiannual Agenda of Regulations

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Semiannual agenda of regulations.

**SUMMARY:** This semiannual agenda lists the regulations that the Internal Revenue Service will be developing from October 1, 1992, through September 30, 1993. Determinations with respect to the agenda were made as of July 31, 1992. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

**FOR FURTHER INFORMATION CONTACT:** Robert Boyer, (202) 622-7190, not a toll-free call, Regulations Unit, Assistant Chief Counsel (Corporate), Office of Chief Counsel, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044, Attention: CC:CORP:T:R.

**SUPPLEMENTARY INFORMATION:**

## General

Section 5 of Executive Order 12291

and section 602 of the Regulatory Flexibility Act both require that a semiannual agenda of regulations under development and review be published in the Federal Register. The next semiannual agenda of the Internal Revenue Service will be published in the Federal Register in April of 1993.

**Description**

This semiannual agenda of regulations lists all projects within the Internal Revenue Service (IRS) as of July 31, 1992, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing regulations under development by the Offices of the Assistant Chief Counsel (Corporate), Assistant Chief Counsel (Field Services), Assistant Chief Counsel (Financial Institutions and Products), Assistant Chief Counsel (Income Tax and Accounting), Assistant Chief Counsel (Passthroughs & Special Industries), Assistant Chief Counsel (Criminal Tax), Assistant Chief Counsel (General Litigation), Associate Chief Counsel (Employee Benefits and Exempt Organizations), and Associate Chief Counsel (International) of the Office of Chief Counsel, IRS. The following information is provided for each regulation project: The title, priority

status; its effect, if any, on small business; the part of the Code of Federal Regulations affected; the legal authority for issuing the regulation; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under Additional Information, there is provided the control number of the project within the Chief Counsel's office and the names and telephone numbers of the drafting and reviewing attorneys.

In an effort to reduce burden and promote growth, the IRS and Treasury continually review existing regulations and regulation projects. In Notice 92-12 in the Internal Revenue Bulletin (I.R.B. 92-16), issued in April 1992, the Internal Revenue Service proposed to close 113 regulation projects and withdraw 9 proposed regulations. This review was intended to identify areas where the IRS could, by closing or withdrawing the project or regulation, reduce the regulatory burden without a significant diminution in the availability of necessary guidance. Many of these projects have become virtually obsolete or involve guidance in an area in which the operative requirements are fairly straightforward and taxpayers are proceeding comfortably without the



## TREAS—IRS

need for an overlay of regulatory requirements. This semiannual agenda reflects the closing and withdrawing of

84 regulation projects as a result of that effort.

By direction of the Secretary of the Treasury.

Shirley D. Peterson,  
Commissioner of Internal Revenue.

## Internal Revenue Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2748	26 USC 0024 A Detailing of the Minimum Living Area Which Must Constitute a Bedroom for Purposes of Determining the Gross Rent Limitation Applicable to Rent-Restricted Units.....	1545-AO52
2749	26 USC 0041 Definition of Qualified Research and Computation of Research Credit Under Section 41 of the Code, After 1986 Act and 1989 Act.....	1545-AO51
2750	26 USC 0368 Corporate Reorganization Amendments - Bankruptcy Tax Act of 1980.....	1545-AK33
2751	26 USC 0382 Allocation of a Loss Corporation's Income or Loss for the Taxable Year that Includes the Change Date Between the Periods Ending With and After the Change Date.....	1545-AL58
2752	26 USC 0847 Special Estimated Tax Payments.....	1545-AN33
2753	26 USC 0897(c)(3) FIRPTA Cleanup.....	1545-AJ72
2754	26 USC 0904 Resourcing Income to Prevent Avoidance of Foreign Tax Credit Limitation Rules Relating to Foreign Losses.....	1545-AN87
2755	26 USC 0904(f) Clarification of Treatment of Separate Limitation Losses.....	1545-AM11
2756	26 USC 0932 Source Rules Within the Virgin Islands.....	1545-AL40
2757	26 USC 0952 Subpart F - Use of Deficits.....	1545-AJ71
2758	26 USC 1248 Income Tax—Gain from Sale or Exchange of Stock in Foreign Corporations.....	1545-AC31
2759	26 USC 1276 Disposition Gain Representing Accrued Market Discount Treated as Ordinary Income; Deferral of Interest Deduction Allocable to Accrued Market Discount.....	1545-AH82
2760	26 USC 1502 Consolidated Alternative Minimum Tax.....	1545-AN73
2761	26 USC 1502 Consolidated 165(g).....	1545-AQ09
2762	26 USC 6038 Information Reporting and Record Maintenance Under Section 6038C.....	1545-AP10
2763	26 USC 6050H Information Reporting of Points on Mortgage Loans.....	1545-AO57
2764	26 USC 6231(a)(7) Limited Liability Company Tax Matter Partner.....	1545-AQ47
2765	26 USC 6331 Levy and Distraint.....	1545-AM70
2766	26 USC 6662 Section 482 Penalty.....	1545-AQ45
2767	26 USC 6700 Penalty for Promoting Abusive Tax Shelters.....	1545-AE99
2768	26 USC 6701 Penalty for Aiding and Abetting in the Understatement of Tax Liability.....	1545-AF01
2769	26 USC 7508 Time for Performing Certain Acts Postponed by Reason of Service in Combat Zone.....	1545-AP90

## Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2770	26 USC 0025(c) Mortgage Credit Certificates and Targeted Areas.....	1545-AO05
2771	26 USC 0042 Low Income Housing Credit Recapture Rule.....	1545-AL12
2772	26 USC 0042 10-Year Waiver Regulations Under Section 42 IRC.....	1545-AO94
2773	26 USC 0042 Stacking Rules 42.....	1545-AQ41
2774	26 USC 0044 Disabled Access Credit.....	1545-AQ20
2775	26 USC 0055 Income Tax—Alternative Minimum Tax.....	1545-AE80
2776	26 USC 0055 Minimum Tax Credit and Other Miscellaneous Rules Relating to the Alternative Minimum Tax.....	1545-AJ86
2777	26 USC 0056 Income Tax—Inventory Adjustment for the Alternative Minimum Tax.....	1545-AL02
2778	26 USC 0057 Income Tax—Minimum Tax; Item of Tax Preference for Intangible Drilling Costs Incurred in Drilling Oil, Gas or Geothermal Wells.....	1545-AA34
2779	26 USC 0059 Alternative Minimum Tax Foreign Tax Credit.....	1545-AQ33
2780	26 USC 0061 Amendment to the Regulations Under Section 61 to Conform the Treatment of Bond Premium Income to the Constant Yield Method.....	1545-AL92
2781	26 USC 0061 To Clarify That the Service Has Authority to Amend the Standard Industry Fare Level (SIFL) Aircraft Valuation Formula.....	1545-AQ16
2782	26 USC 0061 Taxation of Fringe Benefits.....	1545-AQ28
2783	26 USC 0061 Fringe Benefits—Notice Requirement.....	1545-AQ75
2784	26 USC 0067 Notice of Allocation of Allocable Investment Expense.....	1545-AQ82
2785	26 USC 0072 Loans Treated as Distributions.....	1545-AE41
2786	26 USC 0072 Ten Percent Additional Tax on Early Distribution From Qualified Plans.....	1545-AN16
2787	26 USC 0079 Removing Gender Distinction From Mortality Tables.....	1545-AK50
2788	26 USC 0079 Section 79 Table I Update.....	1545-AN54



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## Internal Revenue Service—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
2789	26 USC 0083 Study of Application of Section 302 and Section 1.83(d) .....	1545-AN55
2790	26 USC 0101(a) The Treatment of Accelerated Death Benefits under Section 101 of the Code.....	1545-AQ70
2791	26 USC 0103 Definition of "Reissuance" Under Section 103 .....	1545-AI65
2792	26 USC 0108 Income Tax—Discharge of Indebtedness .....	1545-AA67
2793	26 USC 0108 Consolidated Attribute Reduction Under Section 108(b).....	1545-AP95
2794	26 USC 0108 Purchase Money Debt Reduction Treated as Price Reduction .....	1545-AQ00
2795	26 USC 0117(d) Qualified Tuition Reductions.....	1545-AI13
2796	26 USC 0129 Dependent Care Assistance .....	1545-AN17
2797	26 USC 0131 Income Tax—Part I Exclusion from Gross Income for Certain Foster Care Payments.....	1545-AF52
2798	26 USC 0141 Definition of "Private Activity Bond", "Qualified Bond" .....	1545-AM01
2799	26 USC 0145 Qualified 501(c)(3) Bonds.....	1545-AJ39
2800	26 USC 0146 State Volume Cap for Tax-Exempt Bonds .....	1545-AJ37
2801	26 USC 0163 Qualified Residence Interest.....	1545-AL67
2802	26 USC 0165 Section 165 Regulations .....	1545-AP33
2803	26 USC 0168 Income Tax—Accelerated Cost Recovery System .....	1545-AA87
2804	26 USC 0168 Modification of ACRS.....	1545-AJ38
2805	26 USC 0168(j)(4) General Asset Accounts Under the Accelerated Cost Recovery System.....	1545-AN82
2806	26 USC 0174 Definition of Research and Experimental Expenditures Under Section 174 of the Code.....	1545-AM92
2807	26 USC 0195 Income Tax—To Add Provisions Relating to Start-Up Expenditures.....	1545-AB02
2808	26 USC 0216 Distributions by Cooperative Housing Association.....	1545-AO91
2809	26 USC 0245 Deduction for Dividends Received from Certain Foreign Corporations.....	1545-AL94
2810	26 USC 0263A(f) Capitalization of Interest Expense by Related Parties in the Case of the Production of Certain Property.....	1545-AQ85
2811	26 USC 0269B Rules for Treatment of Foreign Corporation Whose Stock Is Stapled to the Stock of a Domestic Corporation.....	1545-AN20
2812	26 USC 0280A Income Tax—Deductions for Expenses Attributable to Business Use of Homes, Rental of Vacation Homes .....	1545-AB09
2813	26 USC 0280F Limitation of Deductions on Passenger Automobiles and Other Listed Property .....	1545-AN05
2814	26 USC 0280F The Substantiation of Deductions Claimed for the Use of Cellular Telephones and Computers in a Taxpayer's Trade or Business .....	1545-AP46
2815	26 USC 0305(c)(1) Economic Accrual of Redemption Premium (Section 11322(A) of Pub. L. 101-508) .....	1545-AQ42
2816	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers .....	1545-AK29
2817	26 USC 0337(d) Application of General Utilities Repeal Regulatory Authority to RICs and REITs .....	1545-AL65
2818	26 USC 0337(d) Scope of General Utilities Repeal .....	1545-AN21
2819	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition Under Section 338(h)(10).....	1545-AK31
2820	26 USC 0338 Amendment of Section 1.338-5T Regulations .....	1545-AO73
2821	26 USC 0338 Information Reporting Requirements for Section 338(h)(10) Transactions.....	1545-AP96
2822	26 USC 0358 Income Tax—Triangular Reorganizations, Basis and Other Consequences .....	1545-AB21
2823	26 USC 0361(a)(3) Fringe Benefit Sourcing Under Section 861 .....	1545-AO72
2824	26 USC 0367 Section 361 Outbound Transfers of Property to Foreign Corporations.....	1545-AM97
2825	26 USC 0382 Reorganizations in Bankruptcy; Stock-for-Debt Exchanges; Use of Parent Corporation Stock; Triangular "G" Reorganizations.....	1545-AO30
2826	26 USC 0382 Amendments of Section 1.382-2T(r)(4)(x) To Except Additional Options From the Option Attribution Rules of Section 1.382-2T(h)(4)(i) .....	1545-AO54
2827	26 USC 0382 Suspension of Partnership Income and Expenses Arising From Unpaid Guaranteed Payments Accrued by Certain Partners .....	1545-AP43
2828	26 USC 0382 Proposed Amendment to Temporary Regulations Section 1.382-2T .....	1545-AP79
2829	26 USC 0382 Modification of the Section 1.382-2T(j)(2) Rules.....	1545-AQ59
2830	26 USC 0382(l)(6) Interest-Free Adjustments.....	1545-AQ61
2831	26 USC 0401 Permissibility of Section 401(h) Account in Combination with an ESOP.....	1545-AP88
2832	26 USC 0401 Coordination of Nondiscrimination .....	1545-AQ87
2833	26 USC 0403 Nondiscrimination and Other Rules Applicable to Section 403(b) Annuities.....	1545-AI90
2834	26 USC 0404 Treatment of Dividends Deductible under Section 404(k) for Purposes of Cash or Deferred Arrangements Described in Section 401(k).....	1545-AQ96
2835	26 USC 0409 Income Tax—Part 1; Estate Tax—Part 20, Employee Stock Ownership Plan Rules Affected by TRA 1986 .....	1545-AI87
2836	26 USC 0410(b) Special Rules in Merger and Acquisition .....	1545-AM94
2837	26 USC 0412 Revising the Drafting of the Full Funding Limitation for Purposes of the Minimum Funding Requirement for Pension Plans .....	1545-AL53
2838	26 USC 0414(q) Definition of "Highly Compensated Employee" .....	1545-AQ74
2839	26 USC 0417 Disclosure Guidelines For QJSA Waiver .....	1545-AQ36
2840	26 USC 0419 Treatment of Funded Welfare Benefit Plans .....	1545-AG14



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Internal Revenue Service—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
2841	26 USC 0442 Inc. Tax—Part 1—Amendment of Section 1.442-1 to Provide Simplified Procedures for Changes of Annual Accounting Period by Certain Exempt Organizations .....	1545-AI68
2842	26 USC 0451 Changes to Method of Accounting for Certain Taxpayers Using Accrual Method of Accounting for Redemption of Trading Stamps and Coupons Pursuant to Section 461(H) of the Code.....	1545-AP04
2843	26 USC 0453 Income Tax—Installment Sales Revision Act of 1980, Regulations Relating to Wrap-Around Mortgages.....	1545-AB46
2844	26 USC 0457 Income Tax—Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations .....	1545-AI89
2845	26 USC 0460 Definition of a Long-Term Contract.....	1545-AQ30
2846	26 USC 0460 Subcontracts Between Related Parties That Benefit a Long-Term Contract .....	1545-AQ31
2847	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules .....	1545-AI02
2848	26 USC 0465 Application of At-Risk Limitations to the Holding of Real Property.....	1545-AK08
2849	26 USC 0465 Regulations Will Provide Guidance on What Constitutes an Interest Other Than That of a Creditor .....	1545-AQ32
2850	26 USC 0467 Temporary Income Tax Regulations-Deferred Payments for Use of Property or Services.....	1545-AG81
2851	26 USC 0468A Disposition of an Interest in a Nuclear Power Plant.....	1545-AN06
2852	26 USC 0469 Allocation of Interest Expense Among Expenditures.....	1545-AO93
2853	26 USC 0469(f)(4) Special Rules for Allocation of Interest Expense Among Expenditures in the Case of Passthrough Entities.....	1545-AM79
2854	26 USC 0474 Simplified Dollar-Value LIFO Method for Certain Small Businesses.....	1545-AK64
2855	26 USC 0514 Income Tax—Unrelated Trade or Business Income .....	1545-AE00
2856	26 USC 0514(c)(9)(E) Taxation of Certain Qualified Exempt Organizations on Income from Debt-Financed Property Owned Through a Partnership .....	1545-AO78
2857	26 USC 0584 Merger or Division of Common Trust Funds—Section 584 .....	1545-AQ64
2858	26 USC 0601 Statement of Procedural Rules—Appeals Function.....	1545-AQ18
2859	26 USC 0643 Property Distributed in Kind and Treatment of Multiple Trusts (Sec. 81 and 82 of The Tax Reform Act of 1984).....	1545-AI06
2860	26 USC 0643 Clarification of Section 1.643(a)(3) Relating to the Inclusion of Capital Gain in Distributable Net Income .....	1545-AI31
2861	26 USC 0667 Accumulation Trusts.....	1545-AM78
2862	26 USC 0672 Income Taxation of Trusts and Estates.....	1545-AJ20
2863	26 USC 0679 Foreign Grantor Trusts .....	1545-AO75
2864	26 USC 0704(c) Allocations of Income Gain, Loss, and Deduction with Respect to Property Contributed to a Partnership .....	1545-AG98
2865	26 USC 0706 Income Tax—Items Allocated to Portion of Year Partner Held Interest.....	1545-AB81
2866	26 USC 0707 Income Tax—Treatment of Payments to Partners Not Acting in Their Capacity as Partners.....	1545-AG83
2867	26 USC 0761 Election out of Subchapter K for producers of Natural Gas.....	1545-AP23
2868	26 USC 0842 Taxation of Foreign Insurance Companies Doing Business In the United States Including the Explication of the Minimum Net Investment Income Calculation .....	1545-AN31
2869	26 USC 0842(b) Foreign Insurance Companies .....	1545-AL82
2870	26 USC 0861 Recomputation of Allocation and Apportionment of Deduction for State Income Taxes .....	1545-AP86
2871	26 USC 0863 Transportation Income Source Rules .....	1545-AJ68
2872	26 USC 0863 Sourcing Rule Applicable to Certain Insurance Income .....	1545-AQ37
2873	26 USC 0863 Special Rules for Determining Source.....	1545-AQ81
2874	26 USC 0864 Tiered Partnership Rules .....	1545-AO26
2875	26 USC 0864(c)(6) Treatment of Deferred Payments and Appreciation Arising Out of Business Conducted Within the United States.....	1545-AM53
2876	26 USC 0865 Source Rules for Personal Property Sales.....	1545-AJ83
2877	26 USC 0872(b) Income Tax—Reciprocal Exemptions for Certain Transportation Income.....	1545-AJ57
2878	26 USC 0881 Bank Exclusion From Portfolio Interest .....	1545-AQ39
2879	26 USC 0884 Amendments to the Branch Profits Tax Under Sections 884 and 864 .....	1545-AQ58
2880	26 USC 0884 Proposed Regulations Under Section 1.884-3.....	1545-AQ72
2881	26 USC 0894 Dividend Withholding—Luxembourg Corporations.....	1545-AQ54
2882	26 USC 0897 Income Tax—Partnership Rules Regarding Taxation of Foreign Investment in United States Real Property Interests .....	1545-AL77
2883	26 USC 0902 Deemed Paid Credit Under Section 902 Determined on Accumulated Basis .....	1545-AL98
2884	26 USC 0902 Conforming Taxable Years of CFCs and FPHCs: 1989 Change.....	1545-AO22
2885	26 USC 0905 Section 905(b) Regulations.....	1545-AP36
2886	26 USC 0953(d) Foreign Insurance Company - Domestic Election .....	1545-AO25
2887	26 USC 0955 Subpart F Shipping Amendments.....	1545-AM46
2888	26 USC 0960 Deemed Paid Credit Under Section 960 Determined on Accumulated Basis .....	1545-AQ34
2889	26 USC 0964 Effect of Acquisitive Reorganizations on Earnings and Profits Pools.....	1545-AO71
2890	26 USC 0985 QBU's That Change Functional Currency .....	1545-AQ44
2891	26 USC 0986 Determination of Foreign Taxes and Foreign Corporation's Earnings and Profits.....	1545-AN37
2892	26 USC 0993 DISC Regulations .....	1545-AM05



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## Internal Revenue Service—Proposed Rule Stage—Continued

Se- quence Number	Title	Regulation Identifier Number
2893	26 USC 1017 Basis Reduction Due to Cancellation of Indebtedness .....	1545-AP77
2894	26 USC 1031 Like-Kind Exchanges—Coordination with Section 453.....	1545-AQ48
2895	26 USC 1092 Income Tax—Tax Straddles.....	1545-AC21
2896	26 USC 1244 Revision of Section 1244 Regulations.....	1545-AQ80
2897	26 USC 1248 Gains from Certain Sales or Exchanges in Certain Foreign Corporations .....	1545-AL89
2898	26 USC 1254 Income Tax—Gain from Disposition of Interest in Oil, Gas, Geothermal or Other Mineral Properties by S Corporations and Their Shareholders .....	1545-AM98
2899	26 USC 1256(e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions .....	1545-AI72
2900	26 USC 1275 Contingent and Variable Debt Instruments .....	1545-AQ86
2901	26 USC 1286 Treatment of Certain Stripped Bonds and Stripped Coupons .....	1545-AQ25
2902	26 USC 1295 QEF Shareholder Election.....	1545-AM41
2903	26 USC 1366 Income Tax—Pass-Through of S Corporation Items to Shareholders .....	1545-AE85
2904	26 USC 1371 Income Tax—Application of Subchapter C Rules to S Corporations .....	1545-AE90
2905	26 USC 1374 Cross-Reference—Application of Section 1374 Built-In Gains Tax C Corporations Electing S Corporation Status.....	1545-AK93
2906	26 USC 1377 Income Tax—Definitions and Special Rules Pertaining to S Corporation.....	1545-AE94
2907	26 USC 1398 Use of Passive Activity Loss Carryovers by Bankruptcy Estates .....	1545-AQ50
2908	26 USC 1491 Revision of Regulations Under Sections 1491, 1492, and 1494.....	1545-AN39
2909	26 USC 1502 Income Tax—Application of Section 465 At Risk Limitations to Members that Join in Filing Consolidated Returns.....	1545-AC55
2910	26 USC 1502 Clarifying Deletion of Requirement of Section 1.1502-47(d)(12) (C) That in Applying the Tacking Rule, Profit Life Activities Not Be Separated From Loss Life Activities.....	1545-AI98
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3154	26 USC 4001 Retail Excise Taxes on Certain Luxury Items.....	1545-AP24
3155	26 USC 4052 Excise Tax - Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors.....	1545-AI51
3156	26 USC 4980A Excise Tax—Excess Distributions from Qualified Retirement Plans.....	1545-AI81
3157	26 USC 4992 Excise Tax—Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts and Estates.....	1545-AC94
3158	26 USC 4996 Excise Tax—Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980.....	1545-AD08
3159	26 USC 6011 Excise Tax—Part 54—Procedure and Administration—Part 301 —Filing of Returns for Payment of Pension Excise Tax on Reversions of Qualified Plan Assets.....	1545-AI83
3160	26 USC 6031 Income Tax—Amendments to Requirements for Return of Partnership Income.....	1545-AE40
3161	26 USC 6038 Information Returns Required of United States Persons With Respect to Certain Foreign Corporations.....	1545-AQ06
3162	26 USC 6043 Reporting Requirements Concerning Changes in Corporate Control or Capital Structure Under Section 6043(c), I.R.C., as Amended by Section 7208(b) of the Revenue Reconciliation Act of 1989.....	1545-AO46
3163	26 USC 6045 Information Returns of Broker Transactions.....	1545-AG02
3164	26 USC 6045 Information Returns on Sales Through COD Accounts.....	1545-AG52
3165	26 USC 6045 Exception to Reporting Requirements of Section 6045 for Producers of Commodities.....	1545-AQ15
3166	26 USC 6049 To Clarify the Obligation of Brokers to Report Original Issue Discount on Form 1099.....	1545-AM80
3167	26 USC 6050I Amend Aggregation Rules for Filing Requirement.....	1545-AN42
3168	26 USC 6061 Voice Signatures.....	1545-AQ67
3169	26 USC 6111 Proposed Regulations Under Sections 6111 and 6709, Relating to Tax Shelter Registration.....	1545-AG45
3170	26 USC 6114 6114 Reporting Requirements Waived.....	1545-AP35
3171	26 USC 6241 Small S Corporation Exception and Definition of Subchapter S Item.....	1545-AJ99
3172	26 USC 6302 Deposits of Employment Taxes.....	1545-AP91
3173	26 USC 6302(c) Revision of Procedural Rules Relating to Excise Taxes Reported on Form 720.....	1545-AO97
3174	26 USC 6302(c) Amendments to Section 40.6302 Relating to Computing Deposits of Communication and Air Transportation Taxes.....	1545-AQ04
3175	26 USC 6332 Effect of Honoring a Levy.....	1545-AM72
3176	26 USC 6332 Surrender of Property Subject to Levy.....	1545-AN45
3177	26 USC 6334 Property Exempt From Levy.....	1545-AN46
3178	26 USC 6343 Authority To Release Levy and Return Property.....	1545-AN48
3179	26 USC 6402 Abatements, Credits, and Refunds—Special Rules for an Insolvent Financial Institution That Was a Member of a Consolidated Group.....	1545-AP57
3180	26 USC 6404(e) Procedure and Administration - Abatement of Interest.....	1545-AK71
3181	26 USC 6501 Procedure and Administration Regulations—Extension of the Period for Assessment of Tax in Certain Circumstances.....	1545-AI23
3182	26 USC 6611 Procedure and Administration Regulations—Modifications of Interest Payments for Certain Periods....	1545-AF10
3183	26 USC 6621(c) Increase in the Rate of Interest Imposed on Large Corporate Underpayments.....	1545-AP27
3184	26 USC 6651(f) Fraudulent Failure to File Tax Return; Imposition of Fraud Penalty.....	1545-AO84
3185	26 USC 6655 To Provide Regulations Relating to Accelerated Payment of Estimated Taxes by Corporations.....	1545-AE37
3186	26 USC 6851 Certificates of Compliance with Income Tax Laws by Departing Allens.....	1545-AN97
3187	26 USC 7103(b) Procedure and Administration—Property Seized by the Internal Revenue Service Under the Money Laundering Control Act of 1986.....	1545-AL04
3188	26 USC 7216(b)(3) Disclosure of Tax Return Information for Purposes of a Quality or Peer Review.....	1545-AQ21
3189	26 USC 7429 Review of Jeopardy Levy and Assessment Procedures.....	1545-AM68
3190	26 USC 7430 Recovery of Administrative Costs.....	1545-AN02
3191	26 USC 7502 Procedure and Administration—Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes and Deposits.....	1545-AD42
3192	26 USC 7605(a) Procedures Involving Taxpayer Interviews (Time and Place of Examination).....	1545-AO64
3193	26 USC 7701 Continuity of Life for Limited Partnerships.....	1545-AQ46
3194	26 USC 7701(a)(40) Indian Tribal Governments Treated as States for Certain Purposes.....	1545-AF77



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## Internal Revenue Service—Final Rule Stage—Continued

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3195	26 USC 7702 Reasonable Mortality Charges.....	1545-AO12
3196	26 USC 7704 Certain Publicly Traded Partnerships Treated as Corporations—Transition Provisions .....	1545-AN92
3197	26 USC 7805 The Time and Manner of Making Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988 .....	1545-AN03
3198	26 USC 7872 Regulations on Income Tax Under the Tax Reform Act of 1984, Relating to Below-Market Loans .....	1545-AH72

## Internal Revenue Service—Completed Actions

Se- quence Number	Title	Regulation Identifier Number
3199	26 USC 0042 A Detailing of the Suitability of a Unit for Occupancy for Purposes of Determining Whether a Unit May Be Treated as a Low-Income Unit.....	1545-AO53
3200	26 USC 0042 Application of Section 183 to Section 42; State Grants and Below Market State Loans.....	1545-AO90
3201	26 USC 0042 Definitions of Terms and Certain Compliance Requirements Under Low-Income Housing Credit .....	1545-AP50
3202	26 USC 0042 State Grants and Below-Market Loans .....	1545-AP99
3203	26 USC 0048(q) Amendment of Income Tax Regulations Under Sections 47, 48 and 196 Relating to Basis Adjustment to Reflect Investment Tax Credit .....	1545-AF06
3204	26 USC 0058 Tax Benefit Rule for Corporate Add-On Minimum Tax Under the Internal Revenue Code of 1954.....	1545-AK20
3205	26 USC 0061 Income Tax-Nonqualified Salary Reduction Agreements.....	1545-AA35
3206	26 USC 0079 Proposed Uniform Premium Table .....	1545-AN51
3207	26 USC 0103 To Provide Regulations Under Section 147(b)—Relating to Limitation on Maturity of Private Activity Bonds.....	1545-AE69
3208	26 USC 0103 Regulations Relating to Federally Guaranteed Bonds.....	1545-AG84
3209	26 USC 0103(c) Clarification Regarding the Conclusiveness of the Certification Under Section 1.103-13(a)(2) of the Income Tax Regulations .....	1545-AN08
3210	26 USC 0103A To Revise Definition of Areas of Chronic Economic Distress for Purposes of Mortgage Subsidy Bonds.....	1545-AG88
3211	26 USC 0116 Partial Exclusion of Dividends and Interest Received by Individuals.....	1545-AM73
3212	26 USC 0119(d) Income Tax—Tax Treatment of Faculty Housing .....	1545-AJ21
3213	26 USC 0130 Income Tax—Part 1 Personal Injury Liability Assignments.....	1545-AF39
3214	26 USC 0135 Exclusion From Gross Income for Income From U.S. Savings Bonds Used To Pay Tuition and Fees..	1545-AN18
3215	26 USC 0142 Tax-Exempt Bonds for Residential Rental Projects.....	1545-AJ66
3216	26 USC 0148 Arbitrage Restrictions on Tax-Exempt Bonds.....	1545-AJ67
3217	26 USC 0148 Yield Adjustment Payment Rules for Qualified Student Loan Bonds .....	1545-AO19
3218	26 USC 0148 Transferred Proceeds, Allocations and other Rules .....	1545-AO19
3219	26 USC 0148(f) 2-Year Arbitrage Rebate Exception.....	1545-AO33
3220	26 USC 0148(i) Allocation Rules for Bond Proceeds.....	1545-AO14
3221	26 USC 0149 Information Reporting for Tax-Exempt Bonds .....	1545-AJ63
3222	26 USC 0149 Advance Refundings .....	1545-AL91
3223	26 USC 0162 Income Tax—To Provide Better Definitions in the Area of Political Advertising & Grassroots Lobbying .....	1545-AA79
3224	26 USC 0162 Deductions with Respect to Noncash Fringe Benefits .....	1545-AM40
3225	26 USC 0170 Deductions in Excess of \$5000 Claimed for Charitable Contributions of Certain Property .....	1545-AL09
3226	26 USC 0183 Election to Postpone Determination With Respect to the Presumption That an Activity Is Engaged In for Profit.....	1545-AG27
3227	26 USC 0219 Individual Retirement Plans and Simplified Employee Pensions.....	1545-AD59
3228	26 USC 0219 Individual Retirement Plans, Simplified Employee Pensions, and Qualified Voluntary Employee Contributions .....	1545-AD66
3229	26 USC 0246A Income Tax—Debt-Financed Portfolio Stock .....	1545-AH39
3230	26 USC 0274 Income Tax—To Add Provisions Relating to Foreign Conventions (as Amended by Section 4 of Public Law 96-608).....	1545-AB04
3231	26 USC 0274 Employee Achievement Awards.....	1545-AN56
3232	26 USC 0302 Certain Attribution Rules and Certain Corporate Reorganizations .....	1545-AF13
3233	26 USC 0304 Modification of Rules Relating to the Applicability of Other Provisions of Law in the Context of the Consolidated Return Regulation.....	1545-AL41
3234	26 USC 0306 Amend Regulations on Section 306 Stock and Earnings and Profits in Light of Commissioner v. Clark .....	1545-AO35
3235	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers .....	1545-AK30
3236	26 USC 0337(d) Application of General Utilities Repeal Regulatory Authority to Certain Distributions Under Section 355.....	1545-AM34



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Internal Revenue Service—Completed Actions—Continued

Se- quence Number	Title	Regulation Identifier Number
3237	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition Under Section 338(h)(10).....	1545-AK32
3238	26 USC 0338 Application of Installment Method to Deemed Sale of Assets.....	1545-AM84
3239	26 USC 0338 Gain or Loss Ignored by Target Corporation Upon Its Deemed Sale of Affected Target Stock.....	1545-AN85
3240	26 USC 0367(b) Requirements Relating to Certain Exchanges Involving a Foreign Corporation.....	1545-AQ29
3241	26 USC 0368 Income Tax—Exchange Funds.....	1545-AB31
3242	26 USC 0382 Option Attribution Under Section 382(l)(5).....	1545-AO11
3243	26 USC 0382 Corporate Contractions Under Section 382.....	1545-AO21
3244	26 USC 0382 Proposed Amendment to Temporary Regulations Under Section 382 of the IRC of 1986; Limitations on Corporate Net Operating Loss Carryforwards.....	1545-AP18
3245	26 USC 0382(k)(7) Foreign Corporate First Tier Entities.....	1545-AN61
3246	26 USC 0384 Limitation on Use of Preacquisition Losses to Offset Built-in Gains.....	1545-AM48
3247	26 USC 0408 Annual Information Reports by Trustees and Issuers of Individual Retirement Plans.....	1545-AF83
3248	26 USC 0415 Special Allocation Rules Relating to Maximum Contribution Limitations for Qualified Plans.....	1545-AQ11
3249	26 USC 0415 Special Allocation Rules Relating to Maximum Contribution Limitations for Qualified Plans.....	1545-AQ12
3250	26 USC 0441 Taxable Years of Certain Entities.....	1545-AK63
3251	26 USC 0444 Election of Taxable Year Other Than Required Year By Partnerships, S Corporations and Personal Service Corporations.....	1545-AL68
3252	26 USC 0446 Blocked Income.....	1545-AL85
3253	26 USC 0453 Income Tax—Gain or Loss on the Disposition of an Installment Obligation.....	1545-AB41
3254	26 USC 0453 Income Tax—Installment Sales Between Related Parties.....	1545-AB45
3255	26 USC 0453 Income Tax Regulations—Part 1—Special Rules Relating to Installment Obligations That Are Readily Tradable or Payable on Demand.....	1545-AG37
3256	26 USC 0461(h) Income Tax Regulations—The Economic Performance Requirement.....	1545-AH32
3257	26 USC 0464 Income Tax—Limitation on Deductions in Case of Farming Syndicates.....	1545-AB51
3258	26 USC 0465 Extension of the At-Risk Rules.....	1545-AF86
3259	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules.....	1545-AI41
3260	26 USC 0469 Limitations on Passive Activity Losses and Credits—Miscellaneous Issues.....	1545-AM58
3261	26 USC 0469 Allocation of Interest Expense Among Expenditures.....	1545-AM83
3262	26 USC 0469 Limitations from Passive Activity Losses on Credits.....	1545-AQ53
3263	26 USC 0469(f) Limitations on Passive Activity Losses and Credits—Former Passive Activities.....	1545-AN66
3264	26 USC 0469(i) Limitations on Passive Activity Losses and Credits—\$25,000 Offset for Rental Real Estate Activities.....	1545-AN65
3265	26 USC 0469(k) Application of Passive Activity Loss and Credit Limitations to Interests in Publicly Traded Partnerships.....	1545-AN63
3266	26 USC 0501 Income Tax—Rules Clarifying the Regulations with Respect to the Computation of "Gross Income" of an Electric Cooperative.....	1545-AD99
3267	26 USC 0512(b) Taxation of Tax-Exempt Organizations' Income from Ordinary and Routine Investments.....	1545-AP93
3268	26 USC 0595 Treatment of Foreclosed Property by Certain Creditors.....	1545-AF00
3269	26 USC 0597 Section 597 Transition Rules.....	1545-AQ24
3270	26 USC 0612 Income Tax—Restoration of Depletion Deductions on Bonus and Advanced Royalties in Certain Cases.....	1545-AB69
3271	26 USC 0613 The Excludability of Oil and Gas Bonus or Advance Royalty Payments for Purposes of the Bonus Exclusion Rule Under Section 1.613-2(c)(5) of the Income Tax Regulations.....	1545-AO55
3272	26 USC 0671 Revision of Reporting Requirements for Grantor Trusts.....	1545-AN77
3273	26 USC 0724 Contributions to a Partnership of Unrealized Receivables, Inventory Items or Capital Loss Property.....	1545-AG85
3274	26 USC 0732 Distribution of Corporate Stock to a Corporate Partner.....	1545-AP40
3275	26 USC 0842 The Definition of Modified Endowment Contract and the Proper Treatment of Loans and Other Distributions From Such Contracts.....	1545-AN49
3276	26 USC 0851 Treatment of Designated Hedges by RICs.....	1545-AM82
3277	26 USC 0861 Interest and Dividends of 80-20 Companies.....	1545-AJ58
3278	26 USC 0863 Proposed Income Tax Regulations Under the Tax Reform Act of 1986 —Source of Income Rules for Income Derived from Space and Ocean Activities Including Telecommunications.....	1545-AJ84
3279	26 USC 0904(d) Separate Application of Section 904 With Respect to Certain Categories of Income.....	1545-AM54
3280	26 USC 0931 Exclusion of Possession Source Income from Gross Income of Certain Individuals and Treatment of Corporations Organized in Guam, Samoa or CNMI.....	1545-AJ80
3281	26 USC 0932 Coordination of U.S. and Virgin Islands Taxes.....	1545-AJ55
3282	26 USC 0936(h) Amendment of Section 936(h) with Respect to Election of Product.....	1545-AK77
3283	26 USC 0988 Taxation of Exchange Gain or Loss on Foreign Currency Denominated Transactions.....	1545-AN28
3284	26 USC 1014 Basis Step Up.....	1545-AQ17
3285	26 USC 1059 Income Tax—Notice of Proposed Rulemaking - Amendment of Regulations Relating to Basis Reductions for Non-Taxed Portion of Extraordinary Dividends to Reflect TRA 1984.....	1545-AH41
3286	26 USC 1060 Guidance Concerning the Amendments Made to Section 1060 by the Omnibus Reconciliation Act of 1990.....	1545-AP94



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## Internal Revenue Service—Completed Actions—Continued

Se- quence Number	Title	Regulation Identifier Number
3287	26 USC 1253 Income Tax—To Clarify Tax Treatment of Transfers of Franchises, Trademarks, & Trade Names .....	1545-AC34
3288	26 USC 1256(e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions .....	1545-AI59
3289	26 USC 1291 Election by Shareholders of Certain Passive Foreign Investment Companies.....	1545-AQ35
3290	26 USC 1361 Income Tax—The One Class of Stock Requirement for S Corporations.....	1545-AC37
3291	26 USC 1374 Temporary Regulation—Application of Section 1374 Built-In Gain Tax to C Corporation's Electing S Corporation Status.....	1545-AK91
3292	26 USC 1502 Consolidated Returns .....	1545-AL44
3293	26 USC 1502 Consolidated Investment Credit Recapture .....	1545-AM35
3294	26 USC 1502 Treatment of Dividend Distributions After the Sale of a Subsidiary .....	1545-AN12
3295	26 USC 1502 Transactions Between Members Involving Common Nontaxable Exchanges.....	1545-AN25
3296	26 USC 1502 Modification of Rules Relating to Intercompany Transactions .....	1545-AP06
3297	26 USC 2511 Timeliness of a Disclaimer of Interest in Property Created Prior to Jan. 1, 1977 .....	1545-AN27
3298	26 USC 2518 Disclaimer of Joint Property .....	1545-AP65
3299	26 USC 2663 Amend Section 26.2662-1(c) of the Temporary Regulations to Increase the Amount for Which the Executor is Liable .....	1545-AO89
3300	26 USC 3406 Clarifying Amendments to Section 35a.3406-1 Regarding Backup Withholding Due to an Incorrect TIN.....	1545-AM51
3301	26 USC 3406 Imposition of Backup Withholding Due to Notification of an Incorrect Taxpayer Identification Number .....	1545-AQ13
3302	26 USC 4052 Excise Tax on Heavy Trucks, Truck Trailers, and Semitrailers, and Tractors. Modification of T.D. 8200 .....	1545-AP59
3303	26 USC 4081 Modification of the Gasohol Regulations to Increase the Tolerance Allowed to the 10 Percent Alcohol Mixture and to Clarify the Later Blending Rules.....	1545-AO59
3304	26 USC 4081 Improvements in Administration of Gasoline Excise Tax.....	1545-AP48
3305	26 USC 4121 Coal Tax .....	1545-AQ02
3306	26 USC 4218 Personal Use Exemption Contained in Reg. Section 48.4218-2 .....	1545-AP47
3307	26 USC 4471 Proposed Regulations Regarding the Tax on Transportation by Water .....	1545-AO41
3308	26 USC 4472 Tax on Transportation by Water.....	1545-AP03
3309	26 USC 4940 Income Tax—Excise Tax—Procedure and Administration—Various Private Foundation Provisions.....	1545-AG18
3310	26 USC 6011 Electronic Filing of Tax Returns .....	1545-AL01
3311	26 USC 6041 Amendment to Regulations to Specify Requirements for Substitute Information Reporting Statements .....	1545-AO98
3312	26 USC 6047 Employment Tax—Reporting of Plan Distributions and Withholding From Pensions, Annuities, and Other Deferred Income .....	1545-AL54
3313	26 USC 6050J Final Regulations Relating to Reports of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984 .....	1545-AG48
3314	26 USC 6081 Notice of Proposed Rulemaking - Automatic Extension of Time to File Partnership Return of Income and Trust Income Tax Return .....	1545-AL38
3315	26 USC 6166 Estate Tax—Procedure and Administration—Deferral and Installment Payment of Estate Tax .....	1545-AD23
3316	26 USC 6221 Application of Unified Partnership Audit Provisions of TEFRA to REMICs.....	1545-AN78
3317	26 USC 6244 Definition of Tax Matters Person for an S Corporation .....	1545-AO34
3318	26 USC 6335 Sale of Seized Property .....	1545-AN47
3319	26 USC 6402 Proposed Regulations Under the Spending Reduction Act of 1984, Relating to Reduction of Tax Overpayments by the Amount of Past-Due Legally Enforceable Debt Owed to Federal Agency.....	1545-AG95
3320	26 USC 6402 Procedure and Administrative—Reduction of Tax Overpayments by Amount of Past Due Legally Enforceable Debt Owed to Federal Agency.....	1545-AK12
3321	26 USC 6402 Procedure and Administrations—Reduction of Tax Overpayments by Amount of Past Due Legally Enforceable Debt Owed to Federal Agency.....	1545-AL66
3322	26 USC 6621 Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions .....	1545-AG75
3323	26 USC 6655(j) Determining Large Corporation Status for Consolidated Return Groups Paying Estimated Tax .....	1545-AM75
3324	26 USC 6673 Award and Collection of Sanctions, Penalties, and Costs Awarded to the United States by a Court Other Than the Tax Court .....	1545-AO83
3325	26 USC 7514 Authority to Prescribe or Modify Seals .....	1545-AP63
3326	26 USC 7624 Procedure and Administration Regulations—Reimbursement for State and Local Law Enforcement Agencies .....	1545-AN00
3327	26 USC 7654 Coordination of U.S. and Certain Possession Income Taxes (XREF) .....	1545-AL18
3328	26 USC 7701(b) Amendment of Procedure and Administration Regulations Under Section 7701(b) (Definition of Resident Aliens) to Reflect Section 138 of the Tax Reform Act of 1984 (PL 98-369).....	1545-AH13
3329	26 USC 7704 When a Principal Activity of a Partnership is the Buying and Selling of Commodities .....	1545-AO39
3330	26 USC 7811 Taxpayer Assistance Orders.....	1545-AN14



TREAS—IRS

Internal Revenue Service—Completed Actions—Continued

Se- quence Number	Title	Regulation Identifier Number
3331	42 USC 0664 Proposed Amendments to the Procedure and Administration Regulations Under the Child Support Enforcement Amendments of 1984 Relating to the Reduction of Tax Overpayments by Amounts Etc.....	1545-AH99

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Internal Revenue Service (IRS)

**2748. A DETAILING OF THE MINIMUM LIVING AREA WHICH MUST CONSTITUTE A BEDROOM FOR PURPOSES OF DETERMINING THE GROSS RENT LIMITATION APPLICABLE TO RENT-RESTRICTED UNITS**

**Legal Authority:** 26 USC 42(g)(2)(C) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 42

**Legal Deadline:** None

**Abstract:** The temporary regulations discuss the minimum living area of a bedroom used for determining the gross rent limitation applicable to rent-restricted units under section 42(g)(2)(c) for purposes of the low-income housing credit.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** PS-010-90

Drafting Attorney: Elissa Shendalman (202) 622-3040.

Reviewing Attorney: James F. Ranson (202) 622-3040.

Treasury Attorney: Heidi Ebel (202) 622-1334.

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**RIN:** 1545-AO52

**2749. DEFINITION OF QUALIFIED RESEARCH AND COMPUTATION OF RESEARCH CREDIT UNDER SECTION 41 OF THE CODE, AFTER 1986 ACT, AND 1989 ACT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; PL 101-239, sec 7110

**CFR Citation:** 26 CFR 602; 26 CFR 1

**Legal Deadline:** None

**Abstract:** The purpose of the regulation is to provide clarification on the computation of the research credit, under section 41 of the Internal Revenue Code of 1986, as a result of amendments to section 41 by the Tax Reform Act of 1986 and the Revenue Reconciliation Act of 1989.

**Timetable:**

Action	Date	FR Cite
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ANPRM 01/00/93

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-016-90

Drafting attorney: David S. Hudson (202) 622-3120.

Reviewing attorney: Emil O. Muhs, Jr. (202) 622-3120.

Treasury attorney: Michael Schultz (202) 622-0998.

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**RIN:** 1545-AO51

**2750. CORPORATE REORGANIZATION AMENDMENTS - BANKRUPTCY TAX ACT OF 1980**

**Legal Authority:** 26 USC 354 Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986; 26 USC 357 Internal Revenue Code of 1986; 26 USC 358 Internal Revenue Code of 1986; 26 USC 361 Internal Revenue Code of 1986; 26 USC 362 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance with respect to amendments to the Internal Revenue Code by the Bankruptcy Tax Act of 1980, dealing with bankruptcy and other insolvency reorganizations.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** CO-74-87.

Drafting attorney: Douglas Watkins (202) 622-7550.

Reviewing attorney: Christopher Kane (202) 622-7540.

**Agency Contact:** Douglas Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

**RIN:** 1545-AK33



TREAS—IRS

Prerule Stage

**2751. ALLOCATION OF A LOSS CORPORATION'S INCOME OR LOSS FOR THE TAXABLE YEAR THAT INCLUDES THE CHANGE DATE BETWEEN THE PERIODS ENDING WITH AND AFTER THE CHANGE DATE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Except as provided in regulations, sections 382(b)(3)(A) and (d)(1) of the Internal Revenue Code of 1986 provide that income or net operating loss for the taxable year that includes the change date is allocated ratably. Notice 87-79, 1987-2 C.B. 387, states that regulations will, in certain cases, provide taxpayers with an election to allocate income and loss between the periods ending with and after the change date on the basis of a closing of their books. This regulation project provides a closing of the books election, and in cases where the closing of the books election is not made, provides that (1) extraordinary pre-change items are allocated to the pre-change period to net extraordinary pre-change loss that would otherwise be ratably allocated if the post-change period exceeds a threshold and (2) extraordinary post-change items are similarly allocated.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** CO-49-88

**Drafting attorney:** Roberta Mann (202) 622-7550.

**Treasury attorney:** Larry Garrett (202) 622-1778.

**Reviewing attorney:** Keith Stanley (202) 622-7750.

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**RIN:** 1545-AL58

**2752. SPECIAL ESTIMATED TAX PAYMENTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 847 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Provide rules for payment of special Estimated Taxes in an amount equal to the Tax Benefit of the special deduction allowed by section 847.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-022-89

**Drafting Attorney:** Michael J. Douglass (202) 622-3970.

**Reviewing Attorney:** Donald J. Drees, Jr. (202) 622-3970.

**Treasury Attorney:** Terry Jacobs (202) 622-1332.

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**RIN:** 1545-AN33

**2753. FIRPTA CLEANUP**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986; 26 USC 1445 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Reporting requirements for 5 percent shareholders; equity kickers; establish securities market definition; other related issues.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-785-87

**Drafting attorney:** Keith E. Engel (202) 622-3860.

**Reviewing attorney:** Charles Besecky (202) 622-3860.

**Treasury attorney:** Marlin Risinger (202) 622-1782.

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**RIN:** 1545-AJ72

**2754. RESOURCING INCOME TO PREVENT AVOIDANCE OF FOREIGN TAX CREDIT LIMITATION RULES RELATING TO FOREIGN LOSSES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The purpose of the regulation is to require a taxpayer to resource the income of any member of an affiliated group of corporations, or, alternatively to modify the consolidated return regulations, to the extent necessary in order to prevent avoidance of the purposes of the foreign tax credit rules.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-6-90

**Drafting Attorney:** Kenneth D. Allison (202) 622-3860.

**Reviewing Attorney:** Charles P. Besecky (202) 622-3860.

**Treasury Attorney:** Joni Walser (202) 622-1781.

**Agency Contact:** Kenneth D. Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, 202 622-3860

**RIN:** 1545-AN87

**2755. CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986



**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Section 1203 of the Tax Reform Act of 1986 amends section 904(f) by adding paragraph (5) at the end thereof which requires that foreign source losses with respect to any income category first offset a taxpayer's other foreign source income before such losses offset the taxpayer's U.S. source income. The regulation will provide rules for the allocation of foreign source losses.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-338-89

Drafting attorney: Willard W. Yates (202) 622-3850.

Reviewing attorney: Carol Doran Klein (202) 622-3850.

Treasury attorney: Joni Walser (202) 622-1781.

**Agency Contact:** Willard W. Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

**RIN:** 1545-AM11

**2756. SOURCE RULES WITHIN THE VIRGIN ISLANDS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide sourcing rules for the determination as to whether income is derived from sources within the Virgin Islands or the United States or is effectively connected with the the conduct of a trade or business within the Virgin Islands or the United States. To the extent possible, the rules will be similar to those set forth in IRC sections 861-865.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-613-87

Drafting attorney: Ricardo A. Cadenas (202) 874-1490.

Reviewing attorney: George M. Sellinger (202) 874-1490.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Ricardo A. Cadenas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W. Room 3319, Washington, DC 20024, 202 874-1490

**RIN:** 1545-AL40

**2757. SUBPART F - USE OF DEFICITS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 952 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide rules for determining the extent to which current year deficits in unrelated income categories or prior year deficits may reduce the amount included in the gross income of any U.S. shareholder under section 951(a)(1)(A)(i) for taxable years after 1986.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-954-86

Drafting attorney: Valerie A. Mark (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Treasury attorney: Unassigned.

**Agency Contact:** Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AJ71

**2758. INCOME TAX—GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1248 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-42-86

Drafting attorney: Kathryn Horton-O'Brien 622-3860.

Reviewing attorney: Charles P. Besecky (202) 622-3860.

Treasury attorney: Marlin Risinger (202) 622-1762.

**Agency Contact:** Kathryn Horton-O'Brien, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AC31

**2759. DISPOSITION GAIN REPRESENTING ACCRUED MARKET DISCOUNT TREATED AS ORDINARY INCOME; DEFERRAL OF INTEREST DEDUCTION ALLOCABLE TO ACCRUED MARKET DISCOUNT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1278 Internal Revenue Code of 1986; 26 USC 1278 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None



TREAS—IRS

Prerule Stage

**Abstract:** These regulations will provide rules relating to the treatment of gain realized on the disposition of any Market Discount Bond as ordinary income. These regulations will also prescribe the extent to which a deduction for interest allocable to accrued market discount is deferred.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-21-85.

Drafting attorney: Carol A. Schwartz (202) 622-3411.

Reviewing attorney: Thomas J. Lyden (202) 622-3920.

Treasury attorney: Anne Alstott (202) 622-0865.

**Agency Contact:** Carol A. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3411

RIN: 1545-AH82

**2760. CONSOLIDATED ALTERNATIVE MINIMUM TAX**

**Legal Authority:** 26 USC 1502 Internal Revenue Code of 1986; 26 USC 53 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986; 26 USC 59 Internal Revenue Code of 1986; 26 USC 59A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.55; 26 CFR 1.1502

**Legal Deadline:** None

**Abstract:** This regulation will provide corporate taxpayers joining in the filing of a consolidated federal income return with guidance necessary to calculate their alternative minimum tax liability.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** IA-057-89

Drafting attorney: Martin Scully (202) 622-4960.

Reviewing attorney: Stephen Toomey (202) 622-4960.

Treasury attorney: Hal Gann (202) 622-1333.

**Agency Contact:** Martin Scully, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AN73

**2761. ● CONSOLIDATED 165(G)**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1502

**Legal Deadline:** None

**Abstract:** This regulation deals with claiming worthless stock deductions under the consolidated return regulations.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-82-91

Drafting attorney: Steven Teplinsky (202) 622-7770.

Reviewing attorney: Edward Cohen (202) 622-7760.

Treasury attorney: Andrew Dubroff (202) 622-1766.

**Agency Contact:** Steven Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7770

RIN: 1545-AQ09

**2762. INFORMATION REPORTING AND RECORD MAINTENANCE UNDER SECTION 6038C**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7801 Internal Revenue Code of 1986; 26 USC 6038(c) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 6038C

**Legal Deadline:** None

**Abstract:** This regulation project will implement the directives of newly passed section 6038C.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-102-90

Drafting Attorney: Carol P. Tello (202) 622-3880.

Reviewing Attorney: Thomas D. Fuller (202) 622-3880.

Treasury Attorney: Warren Crowds (202) 622-1779.

**Agency Contact:** Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AP10

**2763. INFORMATION REPORTING OF POINTS ON MORTGAGE LOANS**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 6050H Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.6050H-1; 26 CFR 1.6050H-2

**Legal Deadline:** NPRM, Statutory, December 31, 1990.

P.L. 101-239 OBRA 1989, 7646 requires the reporting of points received after 12/31/90; however, the reporting will first occur in 1992 for 1991 closings.

**Abstract:** Amend regulations to require the information reporting of the points received on a mortgage.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** IA-017-90

Drafting Attorney: James Atkinson (202) 622-4950.

Reviewing Attorney: Douglas Fahey (202) 622-4950.

Treasury Attorney: Heidi Ebel (202) 622-1334.



TREAS—IRS

Prerule Stage

**Agency Contact:** James Atkinson, Attorney-Advisor, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4950

RIN: 1545-AO57

**2764. ● LIMITED LIABILITY COMPANY TAX MATTER PARTNER**

**Legal Authority:** 26 USC 6320(i) Internal Revenue Code of 1986; 26 USC 6230(k) Internal Revenue Code of 1986; 26 USC 7805(a) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6231(a)(7)-1T  
**Legal Deadline:** None

**Abstract:** A tax matters partner (a "TMP") of a partnership must keep each partner informed of all administrative and judicial proceedings for the adjustment at the partnership level of partnership items. A TMP also may file a petition for readjustment, file an administrative adjustment, and extend the statute of limitations on behalf of all partners. A partnership may only designate a general partner as the TMP. If a partnership does not designate a TMP, a general partner will be designated as the TMP either by statute or by the Internal Revenue Service. If it is impractical to designate a general partner as the TMP, the Service will designate a limited partner as the TMP. Because a limited liability company does not have a general partner, a limited liability company cannot designate a TMP. Guidance is needed that will allow a limited liability company to designate a TMP.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** PS-34-92

Drafting attorney: Lindsay Russell (202) 622-3050.

Reviewing attorney: Dianna K. Miosi (202) 622-3050.

**Agency Contact:** Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue NW., Washington, DC 20224, 202 622-3050

RIN: 1545-AQ47

**2765. LEVY AND DISTRAINT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6332 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6335 Internal Revenue Code of 1986; 26 USC 6343 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6331-1; 26 CFR 301.6331-2

**Legal Deadline:** None

**Abstract:** Section 6331 of the Internal Revenue Code was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to preclude certain levies. The Treasury regulations promulgated under Code section 6331 must be changed to conform to the new statutory language.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/92	
ANPRM	11/00/92	
Comment Period End		
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** GL-709-88

Drafting attorney: Susan B. Watson (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

**Agency Contact:** Susan Watson, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AM70

**2766. ● SECTION 482 PENALTY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6662 Internal Revenue Code of 1986; 26 USC 6664 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** To develop regulations per sections 6662 and 6664 as they pertain to section 482.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-021-91

Drafting attorney: Howard A. Berger (202) 622-3880.

Reviewing attorney: Thomas D. Fuller (202) 622-3880.

Treasury attorney: Warren Crowder (202) 622-1779.

**Agency Contact:** Howard A. Berger, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, 202 622-3880

RIN: 1545-AQ45

**2767. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6700 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-273-82.

Drafting attorney: Michael F. Schmit (202) 622-4960.

Reviewing attorney: Stephen Toomey (202) 622-4960.

**Agency Contact:** Michael F. Schmit, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AE99



**TREAS—IRS**

**Prerule Stage**

**2768. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6701 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-274-82.

Drafting attorney: Michael Schmit (202) 622-4960.

Reviewing attorney: Stephen Toomey (202) 622-4960.

**Agency Contact:** Michael Schmit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AF01

**2769. TIME FOR PERFORMING CERTAIN ACTS POSTPONED BY REASON OF SERVICE IN COMBAT ZONE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 7508

**Legal Deadline:** None

**Abstract:** This regulation will address how service in a combat zone affects the time for performing certain actions

required or allowed under the internal revenue laws.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-006-91

Drafting attorney: Stuart Spielman (202) 622-4940.

Reviewing attorney: Alan Fraser (202) 622-4940.

Treasury attorney: Jim Miller (202) 622-1768.

**Agency Contact:** Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

**RIN:** 1545-AP90

**DEPARTMENT OF THE TREASURY (TREAS)**

**Proposed Rule Stage**

**Internal Revenue Service (IRS)**

**2770. MORTGAGE CREDIT CERTIFICATES AND TARGETED AREAS**

**Legal Authority:** 26 USC 25 (c) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.25-4T(g)(2)

**Legal Deadline:** None

**Abstract:** The percentage of mortgage originations required by section 1.25-4T(g) (8 percent) was predicted of the 1:5 trade in rule contained in former section 25(c) of the Code to accommodate the new 1:4 rate contained in section 25(c). We are amending sections 1.25-4T(g).

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:** FI-068-89

Drafting Attorney: Harold Diamond (202) 622-3980.

**Agency Contact:** Harold Diamond, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AO05

**2771. LOW INCOME HOUSING CREDIT RECAPTURE RULE**

**Legal Authority:** 26 USC 38 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986; 26 USC 142(d) Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986; 26 USC 267(b) Internal Revenue Code of 1986; 26 USC 1274(d)(1) Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986; 26 USC 6622 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide guidance with respect to the recapture requirements of section 42(j) for the low-income housing credit. In addition, these regulations will clarify the types of housing that will qualify for the credit.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/00/92

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-108-87

Drafting attorney: Christopher J. Wilson (202) 622-3040.

Reviewing attorney: James Ranson (202) 622-3040.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3040

**RIN:** 1545-AL12

**2772. 10-YEAR WAIVER REGULATIONS UNDER SECTION 42 IRC**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986



TREAS—IRS

Proposed Rule Stage

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides rules on certain buildings acquired during a 10-year period.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-025-90

Drafting attorney: Elissa Shendalman (202) 622-3040.

Reviewing attorney: Donna Young (202) 622-3040.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Elissa Shendalman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3040

**RIN:** 1545-AO94

**2773. ● STACKING RULES 42**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide certain definitions and rules for determining the order in which housing credit dollar amounts are allocated under section 42(h)(3). These regulations also provide certain definitions and rules for determining which states qualify for an allocation of credit under section 42(h)(3)(D).

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:** PS-106-91

Drafting attorney: Christopher J. Wilson (202) 622-3040.

Reviewing attorney: Donna Young (202) 622-3040.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Christopher Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3040

**RIN:** 1545-AQ41

**2774. ● DISABLED ACCESS CREDIT**

**Legal Authority:** 26 USC 44(e) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.44

**Legal Deadline:** None

**Abstract:** The regulation will explain who is eligible for the credit and what types of expenditures will qualify for the credit.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** PS-94-91

Drafting attorney: Robert Pitzer (202) 622-3110.

Reviewing attorney: Susan Reaman (202) 622-3110.

**Agency Contact:** Robert Pitzer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3110

**RIN:** 1545-AQ20

**2775. INCOME TAX—ALTERNATIVE MINIMUM TAX**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and development costs, and circulation,

research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-235-82.

Drafting attorney: Stephen J. Toomey (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.

Treasury attorneys: Hal Gann (202) 622-0868 and

J. Paul Whitehead (202) 622-0868.

**Agency Contact:** Stephen J. Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AE80

**2776. MINIMUM TAX CREDIT AND OTHER MISCELLANEOUS RULES RELATING TO THE ALTERNATIVE MINIMUM TAX**

**Significance:** Regulatory Program

**Legal Authority:** 26 USC 55 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This project will address issues relating to the Alternative Minimum Tax for individuals and corporations. Changes to the applicable law were made by the Tax Reform Act of 1986 and the Technical and Miscellaneous Revenue Act of 1988. The regulations will provide individual and corporate taxpayers with the guidance necessary to determine their alternative minimum tax and their minimum tax credit.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** Undetermined



## TREAS—IRS

## Proposed Rule Stage

**Government Levels Affected:**

Undetermined

**Additional Information:** IA-2-87Drafting attorney: Stephen J. Toomey  
(202) 622-4960.Reviewing attorney: William Jackson  
(202) 622-4960.

Treasury attorneys: Hal Gann (202) 622-0868 and J. Paul Whitehead (202) 622-0868.

**Agency Contact:** Stephen J. Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AJ88

**2777. INCOME TAX—INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX****Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation provides guidance with respect to inventory adjustments for the alternative minimum tax.**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** IA-85-87Drafting Attorney: Edward C. Schwartz  
(202) 622-4960.Reviewing Attorney: William Jackson  
(202) 622-4960.

Treasury Attorney: John Parcell (202) 622-2578.

**Agency Contact:** Edward C. Schwartz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AL02

**2778. INCOME TAX—MINIMUM TAX; ITEM OF TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS INCURRED IN DRILLING OIL, GAS OR GEOTHERMAL WELLS****Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** IA-209-78.Drafting Attorney: Edward C. Schwartz  
(202) 622-4960.Reviewing Attorney: Stephen J. Toomey  
(202) 622-4960.**Agency Contact:** Edward C. Schwartz, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AA34

**2779. ● ALTERNATIVE MINIMUM TAX FOREIGN TAX CREDIT****Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 59 Internal Revenue Code of 1986**CFR Citation:** 26 CFR Not yet determined**Legal Deadline:** None**Abstract:** This regulation will provide taxpayers with the guidance necessary to correctly determine their alternative minimum tax foreign tax credit.**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Additional Information:** IA-95-91Drafting attorney: Edward C. Schwartz  
(202) 622-4960.Reviewing attorney: William A. Jackson  
(202) 622-4960.**Agency Contact:** Edward C. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AQ33

**2780. AMENDMENT TO THE REGULATIONS UNDER SECTION 61 TO CONFORM THE TREATMENT OF BOND PREMIUM INCOME TO THE CONSTANT YIELD METHOD****Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will provide a method for determining how to include bond premium into income. The method is the constant yield method.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/93	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** FI-70-88

Drafting attorney: Richard Larkins (202) 622-4441.

Reviewing attorney: Andrew Kittler  
(202) 622-3930.**Agency Contact:** Richard Larkinw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4441

RIN: 1545-AL92



TREAS—IRS

Proposed Rule Stage

**2781. ● TO CLARIFY THAT THE SERVICE HAS AUTHORITY TO AMEND THE STANDARD INDUSTRY FARE LEVEL (SIFL) AIRCRAFT VALUATION FORMULA**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 61(a) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Taxpayers want more timely publication of the Standard Industry Fare Level (SIFL) rates, preferably publication in the last quarter of the year before the year in which the rates will be applicable. Difficulties arising from the need to coordinate with the Department of Transportation which furnishes the rates make it virtually impossible to satisfy the request for timeliness under the current system. Therefore, the Service proposes to adopt a Cost of Living adjustment to be published in the last quarter of each year. The rate adjustment will be applied to a base SIFL rate. The Service believes that adopting a COLA adjustment will meet taxpayers needs for timely information and that it will significantly reduce the volume of telephone calls that the Service currently receives on this issue.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Additional Information:** EE-71-91

Drafting Attorney: Robert Wheeler (202) 622-6040.

Reviewing Attorney: Jerry Holmes (202) 622-6040.

Treasury Attorney: Kurt Lawson (202) 622-1352.

**Agency Contact:** Robert Wheeler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6040

**RIN:** 1545-AQ16

**2782. ● TAXATION OF FRINGE BENEFITS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation would amend section 1.61-21(d)(3)(ii) which concerns the valuation of employer-paid fuel.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-101-91

Drafting attorney: Marianna Dyson (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

Treasury attorney: Kurt Lawson (202) 622-1352.

**Agency Contact:** Marianna Dyson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

**RIN:** 1545-AQ28

**2783. ● FRINGE BENEFITS-NOTICE REQUIREMENT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.61-21(c)

**Legal Deadline:** None

**Abstract:** The proposed amendment to the final fringe regulations provide guidance concerning the requirement that employers must notify their employers of the election to use a special valuation rule under section 1.61-21(c).

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-16-92

Drafting attorney: Marianna Dyson (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

Treasury attorney: Michael Schultz (202) 622-0998.

**Agency Contact:** Marianna Dyson, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave. NW., Washington, DC 20224, 202 622-6040

**RIN:** 1545-AQ75

**2784. ● NOTICE OF ALLOCATION OF ALLOCABLE INVESTMENT EXPENSE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This proposed regulations would provide that issuers of single-class REMICS furnish notice to interest holders in the manner generally provided for REMICS in section 1.6049-7 of the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-61-91

Drafting attorney: James W.C. Canup (202) 622-3950.

Reviewing attorney: Tom Lyden (202) 622-3920.

Treasury attorney: P. Val Strehlow (202) 622-0869.

**Agency Contact:** James W.C. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3950

**RIN:** 1545-AQ82

**2785. LOANS TREATED AS DISTRIBUTIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance on the application of rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The loan rules are provided in section 72(p) of the Internal Revenue Code of 1986.



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## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-106-82.

**Drafting attorney:** Elizabeth Purcell (202) 622-6080.

**Reviewing attorney:** Michael Thrasher (202) 622-6000.

**Agency Contact:** Elizabeth A. Purcell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

**RIN:** 1545-AE41

### 2786. TEN PERCENT ADDITIONAL TAX ON EARLY DISTRIBUTION FROM QUALIFIED PLANS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 72

**Legal Deadline:** None

**Abstract:** Guidance concerning the application of the tax to early distributions and an explanation of the exceptions, such as substantially equal periodic payments.

## Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** EE-080-89

**Drafting Attorney:** Robin Ehrenberg (202) 622-6040.

**Reviewing Attorney:** Gregory Stull (202) 622-6040.

**Agency Contact:** Robin Ehrenberg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

**RIN:** 1545-AN16

### 2787. REMOVING GENDER DISTINCTION FROM MORTALITY TABLES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations will gender-neutralize the mortality table used under section 79 to determine the value of group-term life insurance's permanent benefits provided to employees.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-111-88

**Drafting attorney:** Betty Clary (202) 622-6070.

**Reviewing attorney:** James Brokaw (202) 622-6070.

**Agency Contact:** Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6070

**RIN:** 1545-AK50

### 2788. SECTION 79 TABLE I UPDATE

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulation will update the table used to determine the cost amount of group-term life insurance to be included in gross income.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** EE-82-89

**Drafting attorney:** Betty Clary (202) 622-6070.

**Reviewing attorney:** James Brokaw (202) 622-6070.

**Agency Contact:** Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6070

**RIN:** 1545-AN54

### 2789. STUDY OF APPLICATION OF SECTION 302 AND SECTION 1.83(D)

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 83 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.83-6

**Legal Deadline:** None

**Abstract:** Regulation section 1.83-6(d) will be revised to distinguish between a section 302 transaction and a 1032 transaction. Also, a special rule will be added for transfers of stock from a parent corporation to employees of a subsidiary.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-81-88

**Drafting Attorney:** Thomas G. Schendt (202) 622-6060.

**Agency Contact:** Thomas G. Schendt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6060

**RIN:** 1545-AN55

### 2790. ● THE TREATMENT OF ACCELERATED DEATH BENEFITS UNDER SECTION 101 OF THE CODE

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101(a) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide rules regarding whether accelerated death benefits paid under a life insurance contract are excludable from income under section 101(a) of the Code.

## Timetable:

Action	Date	FR Cite

Next Action Undetermined



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**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-25-92

Drafting attorney: Katherine A. Hossofsky (202) 622-3477.

Reviewing attorney: Stephen D. Hooe (202) 622-3970.

**Agency Contact:** Katherine Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3477

**RIN:** 1545-AQ70

### 2791. DEFINITION OF "REISSUANCE" UNDER SECTION 103

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposed regulations would provide guidance regarding whether changes in the terms of an outstanding obligation result in that obligation being treated as retired and reissued as a new obligation. Guidance on the definition of issuance appeared as Notice 88-130, 1988-52, IRB 12. The rules contained in the Notice will be incorporated in the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** FI-29-86.

Drafting attorney: David White (202) 622-3980.

Treasury attorney: David Walton (202) 622-1354.

**Agency Contact:** David White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AI65

### 2792. INCOME TAX—DISCHARGE OF INDEBTEDNESS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986; 26 USC 1017 Internal Revenue Code of 1986; PL 95-589, Sec 2 Bankruptcy Tax Act 1980

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This proposal would provide rules relating to certain income from the discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-91-81

Drafting Attorney: Warren Joseph (202) 622-4930.

Reviewing Attorney: Sharon Hall (202) 622-4930.

**Agency Contact:** Warren Joseph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4930

**RIN:** 1545-AA67

### 2793. CONSOLIDATED ATTRIBUTE REDUCTION UNDER SECTION 108(B)

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 108(b)

**Legal Deadline:** None

**Abstract:** The regulations will provide for the reduction of consolidated attributes under section 108(b) when discharge of indebtedness income realized by a member of consolidated group is excluded from gross income under section 108(a).

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** CO-44-91

Drafting attorney: Amy Sargent (202) 622-7550.

Reviewing attorney: William Alexander (202) 622-7550.

**Agency Contact:** Christopher Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7540

**RIN:** 1545-AP95

### 2794. PURCHASE MONEY DEBT REDUCTION TREATED AS PRICE REDUCTION

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108(e)(5) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance regarding the application of section 108(e)(5) under which a debt of a purchaser of property to the seller of such property is treated as a purchase price reduction, rather than as income from the cancellation of indebtedness.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-47-91

Drafting attorney: Sharon L. Hall (202) 622-4930.

Reviewing attorney: Michael D. Finley (202) 622-4930.

Treasury attorney: Anne Alstott (202) 622-0865.

**Agency Contact:** Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4930

**RIN:** 1545-AQ00

### 2795. QUALIFIED TUITION REDUCTIONS

**Significance:** Regulatory Program

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 (d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations contain rules explaining when qualified tuition reductions provided for education below the graduate level to



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an employee of an educational organization or to a person treated as an employee will be excluded from the employee's gross income. The proposed regulations include rules relating to tuition reductions which discriminate in favor of officers, owners or highly compensated employees and so are includible in income. The proposed regulations also provide rules relating to the treatment of tuition reductions in the case of graduate student teaching and research assistants.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-35-85.

**Drafting Attorney:** Michael Schmit (202) 622-4960.

**Reviewing Attorney:** William Jackson (202) 622-4960.

**Agency Contact:** Michael Schmit, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AI13

**2796. DEPENDENT CARE ASSISTANCE**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 129 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance to employers and their employees concerning qualified dependent care assistance programs. Under 26 USC 129, an employee may exclude up to \$5,000 from gross income for dependent care.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-090-88

**Drafting Attorney:** Monice Rosenbaum (202) 622-6070.

**Reviewing Attorney:** James L. Brokaw (202) 622-6070.

**Agency Contact:** Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

**RIN:** 1545-AN17

**2797. INCOME TAX—PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 131 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation project will explain what foster care payments a foster care provider may exclude from gross income.

**Timetable:**

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4702
NPRM Comment Period End	04/02/85	50 FR 4702
Hearing	06/25/85	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-83-83.

**Drafting attorney:** Victoria J. Driscoll (202) 622-4910.

**Reviewing attorney:** John Coulter (202) 622-4910.

**Agency Contact:** Victoria J. Driscoll, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AF52

**2798. DEFINITION OF "PRIVATE ACTIVITY BOND", "QUALIFIED BOND"**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1985; 26 USC 141 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides a definition of the term "private activity bond".

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-72-88

**Drafting attorney:** Harold Diamond (202) 622-3980.

**Agency Contact:** Harold Diamond, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AM01

**2799. QUALIFIED 501(C)(3) BONDS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 145 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance regarding the circumstances under which a private activity bond will be treated as a qualified 501(c)(3) bond.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-84-86.

**Drafting attorney:** Dave White (202) 622-3980.

**Treasury attorney:** David Walton (202) 622-1354.

**Agency Contact:** David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AJ39

**2800. STATE VOLUME CAP FOR TAX-EXEMPT BONDS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 146 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None



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**Abstract:** The regulation would provide state volume cap rules for tax-exempt bonds.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-85-86

Drafting attorney: Scott Lilienthal (202) 622-3980.

**Agency Contact:** Scott Lilienthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AJ37

**2801. QUALIFIED RESIDENCE INTEREST**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance regarding the definition of qualified residence interest, including the definition of acquisition debt and guidance regarding the computation of the limitation.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-27-88

Drafting Attorney: Sharon L. Hall (202) 622-4930.

Reviewing Attorney: John Fischer (202) 622-4820.

Treasury Attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, DC 20224, 202 622-4930

RIN: 1545-AL67

**2802. SECTION 165 REGULATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 165(f) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 165

**Legal Deadline:** None

**Abstract:** This regulation project will finalize all outstanding proposed and temporary regulations under section 1.165-5.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-115-90

Drafting attorney: Carl M. Cooper (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Treasury attorney: Emily McMahon (202) 622-1763.

**Agency Contact:** Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AP33

**2803. INCOME TAX—ACCELERATED COST RECOVERY SYSTEM**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954; 26 USC 167 Internal Revenue Code of 1954; 26 USC 1250 Internal Revenue Code of 1954; 26 USC 57(a)(12) Internal Revenue Code of 1954; 26 USC 312(k) Internal Revenue Code of 1954; 26 USC 172(b) Internal Revenue Code of 1954; 26 USC 812(b) Internal Revenue Code of 1954; 26 USC 46(b) Internal Revenue Code of 1954; 26 USC 53(c) Internal Revenue Code of 1954; 26 USC 381(c) Internal Revenue Code of 1954

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** To provide regulations under section 168 and accompanying provisions clarifying the operation of

the accelerated cost recovery scheme. This cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject to the allowance for depreciation which is used in a trade or business, or held for the production of income.

**Timetable:**

Action	Date	FR Cite
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NPRM 02/16/84 49 FR 5940

NPRM Comment 05/16/84 49 FR 5940  
Period End

Hearing held 05/21/84

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-185-81.

Drafting attorney: Mark Pitzer (202) 622-3110.

Reviewing attorney: Charles Ramsey (202) 622-3110.

Treasury attorney: Barksdale Penick (202) 622-1335.

**Agency Contact:** Mark Pitzer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AA87

**2804. MODIFICATION OF ACRS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation would provide rules concerning the accelerated cost recovery system for property generally placed in service after December 31, 1986.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-80-88.



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Drafting attorney: Mark Pitzer (202) 622-3110.

Reviewing attorney: Charles Ramsey (202) 622-3110.

Treasury attorney: Barksdale Penick (202) 622-1335.

**Agency Contact:** Mark Pitzer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AJ38

### 2805. GENERAL ASSET ACCOUNTS UNDER THE ACCELERATED COST RECOVERY SYSTEM

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation would provide rules relating to the treatment of General Asset Accounts under the Accelerated Cost Recovery System. The regulation would apply to property generally placed in service after December 31, 1986.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-055-89

Drafting Attorney: Kathleen Reed (202) 622-3110.

Reviewing Attorney: Susan Reaman (202) 622-3110.

Treasury Attorney: P. Val Strehlow (202) 622-0889.

**Agency Contact:** Kathleen Reed, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AN82

### 2806. DEFINITION OF RESEARCH AND EXPERIMENTAL EXPENDITURES UNDER SECTION 174 OF THE CODE

**Legal Authority:** 26 USC 7805(a) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.174-2; 26 CFR 1.41

**Legal Deadline:** None

**Abstract:** The regulations clarify the definition of "research and experimental expenditures" under section 174 of the Internal Revenue Code. The regulations also clarify the definition of "research and experimental expenditures" for purposes of section 41 of the Code, because section 41 relies on the definition of that item in section 174.

**Timetable:**

Action	Date	FR Cite
NPRM	05/17/89	54 FR 21224
NPRM Comment Period End	07/17/89	
Public Hearing	12/05/89	54 FR 37947
NPRM	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** PS-002-89

Drafting attorney: David Hudson (202) 622-3120.

Reviewing attorney: Walter Woo (202) 622-3040.

**Agency Contact:** David Hudson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AM92

### 2807. INCOME TAX—TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 195 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

**Timetable:**

Action	Date	FR Cite
Next Action	Undetermined	

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** PS-36-81.

Drafting attorney: Paul F. Handleman (202) 622-3040.

Reviewing attorney: James Ranson (202) 622-3040.

Treasury attorney: Joan Leonard (202) 622-0864.

**Agency Contact:** Paul F. Handleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3040

RIN: 1545-AB02

### 2808. DISTRIBUTIONS BY COOPERATIVE HOUSING ASSOCIATION

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 218 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide exceptions to the general rule of section 218(e) under which no gain or loss shall be recognized on the distribution by a cooperative housing association of a dwelling unit to a stockholder in such corporation if the exchange qualifies for nonrecognition under section 1034(f).

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-047-90

Drafting attorney: Lisa Shuman (202) 622-3120.

Reviewing attorney: Emil O. Muhs, Jr. (202) 622-3120.

**Agency Contact:** Lisa Shuman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AO91

### 2809. DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 245 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 245

**Legal Deadline:** None



TREAS—IRS

Proposed Rule Stage

**Abstract:** Draft regulations under section 245 of the Code, incorporating changes made by the Tax Reform Act of 1986.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-943-86

Drafting attorney: Kathryn Horton O'Brien (202) 622-3860.

Reviewing attorney: Charles Saverude (202) 622-3800.

Treasury attorney: Marlin Risinger (202) 622-1762.

**Agency Contact:** Kathryn Horton O'Brien, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AL94

**2810. ● CAPITALIZATION OF INTEREST EXPENSE BY RELATED PARTIES IN THE CASE OF THE PRODUCTION OF CERTAIN PROPERTY**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.263A(f)

**Legal Deadline:** None

**Abstract:** The proposed regulations provide related party rules necessary for taxpayers to comply with the requirement to capitalize interest with respect to certain property produced by the taxpayer.

**Timetable:**

Action	Date	FR Cite
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NPRM 01/00/94

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** None

**Additional Information:** IA-91-91

Drafting attorney: Mary Goode (202) 622-4960.

Reviewing attorney: Eric Pleet (202) 622-4970.

Treasury reviewer: J. Paul Whitehead (202) 622-0868.

Treasury reviewer: John Parcell (202) 622-2578.

**Agency Contact:** Mary Goode, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AQ85

**2811. RULES FOR TREATMENT OF FOREIGN CORPORATION WHOSE STOCK IS STAPLED TO THE STOCK OF A DOMESTIC CORPORATION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 268B Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide a general rule that where a U.S.-owned foreign corporation and a U.S.-owned domestic corporation are stapled entities, the foreign corporation will be treated as a domestic corporation and that the deemed conversion will be treated as a reorganization under section 368(a)(1)(F) of the Code. The regulations will also provide exceptions to this general rule.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-237-89

Drafting attorney: Patricia A. Bray (202) 622-3840.

Reviewing attorney: David I. Bower (202) 622-3840.

Treasury attorney: Marlin Risinger (202) 622-1762.

**Agency Contact:** Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AN20

**2812. INCOME TAX—DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is treated as personal use of the unit by the taxpayer.

**Timetable:**

Action	Date	FR Cite
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NPRM 07/21/83 48 FR 33326

NPRM Comment 09/21/83

Period End

Hearing 10/04/83

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-281-76.

Drafting Attorney: Joel S. Rutstein (202) 622-4930.

Reviewing Attorney: Michael Finley (202) 622-4930.

**Agency Contact:** Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4930

**RIN:** 1545-AB09

**2813. LIMITATION OF DEDUCTIONS ON PASSENGER AUTOMOBILES AND OTHER LISTED PROPERTY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will clarify the rules limiting the Investment Tax Credit (if any) and Cost Recovery deductions allowable with respect to passenger automobiles and certain other "listed property."



## TREAS—IRS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-015-89

Drafting Attorney: Bernard P. Harvey (202) 622-3060.

Reviewing Attorney: Harold E. Burghart (202) 622-3110.

Treasury Attorney: John H. Parcell (202) 622-2578.

**Agency Contact:** Bernard P. Harvey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AN05

### 2814. THE SUBSTANTIATION OF DEDUCTIONS CLAIMED FOR THE USE OF CELLULAR TELEPHONES AND COMPUTERS IN A TAXPAYER'S TRADE OR BUSINESS

Significance: Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** The regulations provide the public with the guidance needed to substantiate the use of cellular telephones and computers in a trade or business. The regulations proposed for cellular telephones and computers follow the safe harbor rules of listed properties such as automobiles, and consider the possibility of exceptions to the rules for listed property when the use of a cellular telephone in a trade or business occurs under special conditions.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-114-90

Drafting attorney: Bernard P Harvey (202) 622-3060.

Reviewing Tax Law Specialist: Harold E. Burghart (202) 622- 3110.

Treasury Attorney: John H. Parcell (202) 622-2578.

**Agency Contact:** Bernard P. Harvey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AP46

### 2815. ● ECONOMIC ACCRUAL OF REDEMPTION PREMIUM (SECTION 11322(A) OF PUB. L. 101-508)

**Legal Authority:** 26 USC 305(c)(1) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.305-5(b)(1) and (2)

Legal Deadline: None

**Abstract:** In Section 11322(a) of Pub. L. 101-508, Congress amended section 305(c) of the Code to modify the treatment of preferred stock issued with a redemption premium. The amendment to section 305(c) applies the economic accrual rules that are applicable to debt instruments issued with OID to certain preferred stock issued with a redemption premium if the stock will be redeemed, or it can reasonably be assumed that the stock will be redeemed, on a fixed date. The regulations under 305(c) will be amended to provide for the economic accrual, rather than the ratable inclusion, of redemption premiums, in accordance of OID principles.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/00/92

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-008-91

Drafting attorney: Kirsten L. Simpson (202) 622-7790.

Reviewing attorney: Maura A. Sullivan (202) 622-7780.

**Agency Contact:** Kirsten L. Simpson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7790

RIN: 1545-AQ42

### 2816. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

**Legal Authority:** 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** The regulations would provide guidance for making an election under section 336 (e), and the consequences which result from making such an election.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/00/92

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-52-87

Drafting attorney: Theresa Abell (202) 622-7790.

Reviewing attorney: Maura Sullivan (202) 622-7780.

Treasury attorney: J. Judge Kelley (202) 622-1339.

**Agency Contact:** Theresa Abell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7790

RIN: 1545-AK29

### 2817. APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO RICS AND REITS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337(d) Internal Revenue Code 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** This regulations project is one of several dealing with the implementation of the repeal of the General Utilities doctrine by section 631 of the Tax Reform Act of 1986. This project deals with the regulations necessary to ensure the repeal is implemented with respect to RICs and REITs.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined



## TREAS—IRS

## Proposed Rule Stage

**Government Levels Affected:** None

**Additional Information:** CO-15-88

Drafting attorney: Michael Fulton (202) 622-7530.

Reviewing attorney: Mark S. Jennings (202) 622-7530.

Treasury attorney: Judge Kelley (202) 622-1339.

**Agency Contact:** Michael Fulton, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7530

**RIN:** 1545-AL65

### 2818. SCOPE OF GENERAL UTILITIES REPEAL

**Legal Authority:** 26 USC 337(d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The Tax Reform Act of 1986 (the "Act") repealed the last vestiges of the General Utilities doctrine ("GU repeal"), thereby requiring corporations to recognize gain in most cases upon the distribution of appreciated property to their shareholders. The Act granted the Secretary authority to promulgate regulations necessary to carry out the purposes of the Act. It has been determined that GU repeal can be circumvented by conversion of for-profit corporations to tax-exempt entities and other transactions involving tax-exempt entities. This project will develop regulations to assure corporate gain or loss recognition in such transactions.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** CO-014-89

Drafting attorney: Stephen R. Cleary (202) 622-7530.

Reviewing attorney: Wayne T. Murray (202) 622-7530.

**Agency Contact:** Stephen R. Cleary, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave. NW., Washington, DC 20224, 202 622-7530

**RIN:** 1545-AN21

### 2819. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338(H)(10)

**Legal Authority:** 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide the guidance for making elections under section 338 (h) (10) when the selling group is an affiliated group of corporations which does not file a consolidated Federal income tax return, and the consequences of making such an election.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-50-87

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: William D. Alexander (202) 622-7550.

Treasury attorney: Judd Kelley (202) 622-1339.

**Agency Contact:** Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

**RIN:** 1545-AK31

### 2820. AMENDMENT OF SECTION 1.338-5T REGULATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will address problems that have surfaced in the section 1.338-5T regulations since their publication, issues raised by the repeal of the General Utilities doctrine, as well

as issues presented by the passage of section 338(h)(16) in 1988.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** INTL-177-90

Drafting attorney: Kenneth D. Allison (202) 622-3860.

Reviewing attorney: Charles Besecky (202) 622-3860.

Treasury attorney: Marlin Risinger (202) 622-1762.

**Agency Contact:** Kenneth D. Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AO73

### 2821. INFORMATION REPORTING REQUIREMENTS FOR SECTION 338(H)(10) TRANSACTIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0338 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 338(h)(10)

**Legal Deadline:** None

**Abstract:** The regulations will provide rules for the allocation of basis among assets of the target corporation(s) where an election under section 338(h)(10) has been made.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** CO-012-91

Drafting attorney: Dania Leatherman (202) 622-7550.

Reviewing attorney: Keith Medleau (202) 622-7550.

**Agency Contact:** Dania Leatherman, Attorney, Department of the Treasury, Internal Revenue Service, 1111



## TREAS—IRS

## Proposed Rule Stage

Constitution Avenue NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AP96

### 2822. INCOME TAX—TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide rules relating to basis of stock of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

#### Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 112

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-993-71.

Drafting attorney: Dean Lekos (202) 622-7550.

Reviewing attorney: Dave Madden (202) 622-7540.

Treasury Attorney: Andrew Dubroff (202) 622-1766.

**Agency Contact:** Dean Lekos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AB21

### 2823. FRINGE BENEFIT SOURCING UNDER SECTION 861

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will address the clarification that an allocation of income of an individual for the performance of services both within and without the United States is appropriately made only on the time basis.

#### Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-107-90

Drafting Attorney: James K. Sams (202) 622-3840.

Reviewing Attorney: Thomas P. Fuller (202) 622-3880.

Treasury Attorney: Charles Cope (202) 622-1752.

**Agency Contact:** James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AO72

### 2824. SECTION 361 OUTBOUND TRANSFERS OF PROPERTY TO FOREIGN CORPORATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The income tax regulations under section 367(a) will be amended to reflect the changes made to that section by the Technical and Miscellaneous Corrections Act of 1988. Section 367(a)(5) now provides that a transfer of assets to a foreign corporation in an exchange described in section 361 is subject to section 367(a)(1) unless certain ownership requirements and other conditions are met. The regulations will provide guidance regarding the application of this section. The change in the statute was necessitated by the repeal of "General Utilities."

#### Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-089-89

Drafting attorney: Elizabeth U. Karzon (202) 622-3860.

Reviewing attorney: Bernard T. Bress (202) 622-3850.

Treasury attorney: Peter Marrs (202) 622-0724.

**Agency Contact:** Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AM97

### 2825. REORGANIZATIONS IN BANKRUPTCY; STOCK-FOR-DEBT EXCHANGES; USE OF PARENT CORPORATION STOCK; TRIANGULAR "G" REORGANIZATIONS

**Legal Authority:** 26 USC 108 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide rules for members of an affiliated group of corporations filing consolidated returns which are reorganized in bankruptcy. The issuance of parent corporation stock in cancellation of subsidiary corporation indebtedness will come within the common law stock-for-debt exception to cancellation of indebtedness income (as limited by section 108(e)(8) and section 108(e)(10) without resort to a recapitalization analysis (whether deemed or actual). Collateral consolidation return and reorganization issues will be considered.

#### Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** CO-078-89

Drafting attorney: Victor Penico (202) 622-7750.

Reviewing attorney: Charles Whedbee (202) 622-7750.

**Agency Contact:** Victor Penico, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

RIN: 1545-AO30



## TREAS—IRS

## Proposed Rule Stage

**2826. AMENDMENTS OF SECTION 1.382-2T(R)(4)(X) TO EXCEPT ADDITIONAL OPTIONS FROM THE OPTION ATTRIBUTION RULES OF SECTION 1.382-2T(H)(4)(I)**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The primary purpose of this project is to amend the temporary regulations under section 382 of the Internal Revenue Code to provide additional options to be excepted from the attribution rules of section 1.382-2T(h)(4). The project will also make other revisions to those attribution rules.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-18-90

**Drafting attorney:** Annette Ahlers (202) 622-7750.

**Reviewing attorney:** Charles M. Whedbee (202) 622-7750.

**Reviewing attorney:** Keith Stanley (202) 622-7750.

**Treasury attorney:** Larry Garrett (202) 622-1778.

**Agency Contact:** Annette Ahlers, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

**RIN:** 1545-AO54

**2827. SUSPENSION OF PARTNERSHIP INCOME AND EXPENSES ARISING FROM UNPAID GUARANTEED PAYMENTS ACCRUED BY CERTAIN PARTNERS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed regulations suspend the recognition of income and expenses if certain partners, such as loss corporations, accrue unpaid guaranteed payments. The partner's

income as well as the partnership's expense will be recognized in the taxable year in which the partnership pays, with an unrestricted transfer of money, the accrued guaranteed payment. The proposed regulations prevent loss corporations, and other covered taxpayers not subject to U.S. tax, from structuring partnership guaranteed payment that diverts taxable income to the loss corporation or other non U.S. taxpayer which is greater than the ultimate economic benefit realized from the guaranteed payment.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-95-90

**Drafting attorney:** Susan Pace Hamill (202) 622-3050.

**Reviewing attorney:** David R. Haglund (202) 622-3050.

**Treasury attorney:** Heidi Ebel (202) 622-1334.

**Agency Contact:** Susan Pace Hamill, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3050

**RIN:** 1545-AP43

**2828. PROPOSED AMENDMENT TO TEMPORARY REGULATIONS SECTION 1.382-2T**

**Legal Authority:** 26 USC 382 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.382-2T

**Legal Deadline:** None

**Abstract:** To provide an exemption for mutual funds from the segregation of stock ownership rules of Section 1.382-2T(j)(2)(iii)(B)(ii) and (C).

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** CO-18-91

**Drafting attorney:** Lori Brown (202) 622-7750.

**Reviewing attorney:** Charles Whedbee (202) 622-7750.

**Treasury attorney:** Larry Garrett (202) 622-1778.

**Agency Contact:** Lori Brown, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

**RIN:** 1545-AP79

**2829. ● MODIFICATION OF THE SECTION 1.382-2T(J)(2) RULES**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

**CFR Citation:** 23 CFR 1.382

**Legal Deadline:** None

**Abstract:** The section 382 segregation rules (S. 1.382-2T(j)(2)(iii)) divide groups of less than 5% shareholders into separate public groups following certain transactions. The proposed regulations exempt certain de minimis transfers of loss corporation stock from the application of the segregation rules. The proposed regulations also modify the segregation rules to apply only to a certain portion of the stock issued by the loss corporation for cash during the taxable year.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** CO-99-91

**Drafting attorney:** Roberta Mann (202) 622-7550.

**Reviewing attorney:** David P. Madden (202) 622-7540.

**Treasury attorney:** Larry Garrett (202) 622-1778.

**Agency Contact:** Roberta Mann, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

**RIN:** 1545-AQ59



## TREAS—IRS

## Proposed Rule Stage

**2830. ● INTEREST-FREE ADJUSTMENTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6205 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 31.6205-1(b)(1); 26 CFR 31.6205-1(c)(1); 26 CFR 31.6205-1(d)

**Legal Deadline:** None

**Abstract:** Under section 6205(a)(1) of the Code if less than the correct amount of tax imposed under the FICA, the RRATA, or the income tax withholding provisions is paid with respect to any payment of wages or compensation, proper adjustments; with respect to both the tax and amount to be deducted, must be made without interest in such manner and in such times as the Secretary may by regulations prescribe. The proposed amendments would add language to clarify that an interest-free adjustment can be made in certain situations in which the error is ascertained before the appropriate return is filed. The proposed amendments are intended to apply only to situations in which no return was filed because the employer improperly failed to treat its workers as employees.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-12-92

Drafting Tax Law Specialist: Karin Loverud (202) 622-6060.

Reviewing attorney: Ronald Moore (202) 622-6050.

**Agency Contact:** Karin Loverud, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6060

**RIN:** 1545-AQ61

**2831. PERMISSIBILITY OF SECTION 401(H) ACCOUNT IN COMBINATION WITH AN ESOP**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 401(h) Internal Revenue Code of 1986; 26 USC 4975 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will address the permissibility of retiree health accounts under section 401(h) in combination with employee stock ownership plans.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-52-91

Drafting attorney: John Ricotta (202) 622-6040.

Reviewing attorney: Steven Miller (202) 622-6000.

**Agency Contact:** John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

**RIN:** 1545-AP88

**2832. ● COORDINATION OF NONDISCRIMINATION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986; 26 USC 402 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.401(k)-1; 26 CFR 1.401(m)-1; 26 CFR 1.401(m)-2; 26 CFR 1.402(g)-1

**Legal Deadline:** None

**Abstract:** This project will coordinate regulations under section 401(k) and (m) of the Internal Revenue Code of 1986 with nondiscrimination regulations under sections 401(a)(4) and 410(b). It will also make technical corrections to the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** EE-86-91

Drafting attorney: Catherine Livingston Fernandez (202) 622-4688.

Reviewing attorney: Richard M. Lent (202) 622-4688.

Treasury attorney: Kurt L.P. Lawson (202) 622-2647.

**Agency Contact:** Catherine Livingston Fernandez, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4688

**RIN:** 1545-AQ87

**2833. NONDISCRIMINATION AND OTHER RULES APPLICABLE TO SECTION 403(B) ANNUITIES**

**Legal Authority:** 26 USC 403(b)(12) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance regarding the nondiscrimination and other rules applicable to tax-sheltered section 403(b) annuities.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-163-86

Drafting attorney: Richard M. Lent (202) 622-6030.

Reviewing Attorney: Nancy Marks (202) 622-6000.

Treasury Attorney: Kurt Lawson (202) 622-1352.

**Agency Contact:** Richard M. Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

**RIN:** 1545-AI90

**2834. ● TREATMENT OF DIVIDENDS DEDUCTIBLE UNDER SECTION 404(K) FOR PURPOSES OF CASH OR DEFERRED ARRANGEMENTS DESCRIBED IN SECTION 401(K)**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404(k) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will address the issue of how to treat dividends paid under section 404(k) for purposes of section 401(k) & (m).



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## Proposed Rule Stage

## Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-74-91

Drafting attorney: John Ricotta (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

**Agency Contact:** John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6040

RIN: 1545-AQ96

**2835. INCOME TAX—PART 1; ESTATE TAX—PART 20, EMPLOYEE STOCK OWNERSHIP PLAN RULES AFFECTED BY TRA 1986**

**Legal Authority:** 26 USC 409 Internal Revenue Code of 1986; 26 USC 401(a)(28) Internal Revenue Code of 1986; 26 USC 401(a)(23) Internal Revenue Code of 1986; 26 USC 133 Internal Revenue Code of 1986; 26 USC 404(k) Internal Revenue Code of 1986; 26 USC 2057 Internal Revenue Code of 1986; 26 USC 1042 Internal Revenue Code of 1986; 26 USC 2210 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20

Legal Deadline: None

**Abstract:** The proposed regulations would set forth requirements for the tax qualification of ESOPs and for various ESOP tax incentives.

## Timetable:

Action	Date	FR Cite
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NPRM 00/00/00

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-164-86

Drafting attorney: John Ricotta (202) 622-6040.

Reviewing attorney: Michael Thrasher (202) 622-4060.

**Agency Contact:** John Ricotta, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

RIN: 1545-AI87

**2836. SPECIAL RULES IN MERGER AND ACQUISITION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** The regulations are intended to provide special rules for employee plans in mergers and acquisitions.

## Timetable:

Action	Date	FR Cite
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NPRM 00/00/00

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-108-88

Drafting attorney: Richard M. Lent (202) 622-6030.

Reviewing attorney: Richard Wickersham (202) 622-6030.

**Agency Contact:** Richard Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AM94

**2837. REVISING THE DRAFTING OF THE FULL FUNDING LIMITATION FOR PURPOSES OF THE MINIMUM FUNDING REQUIREMENT FOR PENSION PLANS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412(c)(7) Internal Revenue Code of 1986; 26 USC 401(a)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, August 5, 1988.

**Abstract:** This project will interpret the new full funding limitation on deductible contributions to pension plans.

## Timetable:

Action	Date	FR Cite
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NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-62-88

Drafting attorney: Linda Marshall (202) 622-6030.

Reviewing attorney: Steve Miller (202) 622-6000.

Treasury attorney: Harlan Weller (202) 622-1001.

**Agency Contact:** Linda Marshall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AL53

**2838. DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE"**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.414(q)-1T

Legal Deadline: None

**Abstract:** The proposed and temporary regulations define the term "highly compensated employee" under section 414(q) of the Code.

## Timetable:

Action	Date	FR Cite
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NPRM 00/00/00

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: EE-32-92

Drafting attorney: Rebecca Wilson (202) 622-6080.

Reviewing attorney: Nancy J. Marks (202) 622-6000.

Treasury attorney: Evelyn A. Patschek (202) 622-0170.

Temporary and proposed regulations under sections 414(g) and 414(s) were published February 19, 1988 (53 FR 4965); and final regulations under section 414(s) were published September 19, 1991 (56 FR 47659), under project EE-129-86. The regulations under section 414(q) were split off from project EE-129-86. It is anticipated that final regulations under section 414(q)



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will be published in the future under project EE-32-92.

**Agency Contact:** Rebecca Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6080

**RIN:** 1545-AQ74

### 2839. ● DISCLOSURE GUIDELINES FOR QJSA WAIVER

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.417

**Legal Deadline:** None

**Abstract:** These regulations will provide guidance on information required to be disclosed on spousal consent forms waiving rights to a QJSA.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-100-91

**Drafting Attorney:** Terri Harris (202) 622-6070.

**Reviewing Attorney:** Nancy Marks (202) 622-6070.

**Agency Contact:** Terri Harris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

**RIN:** 1545-AQ36

### 2840. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

**Legal Authority:** 26 USC 419 Internal Revenue Code of 1986; 26 USC 419A Internal Revenue Code of 1986; 26 USC 1239 (d) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance concerning the treatment of contributions made by an employer to a welfare benefit plan.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-66-84.

**Drafting attorney:** Michael J. Roach (202) 622-6060.

**Reviewing attorney:** Mark Schwimmer (202) 622-6060.

**Treasury attorney:** Kurt Lawson (202) 622-1352.

**Agency Contact:** Michael J. Roach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6060

**RIN:** 1545-AG14

### 2841. INC. TAX—PART 1—AMENDMENT OF SECTION 1.442-1 TO PROVIDE SIMPLIFIED PROCEDURES FOR CHANGES OF ANNUAL ACCOUNTING PERIOD BY CERTAIN EXEMPT ORGANIZATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 442 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Revenue Procedure 85-58 provides change of accounting period approval procedures for exempt organizations. It substantially simplifies the former procedures in Revenue Procedure 76-9. The regulations under section 1.442-1 will be amended to reflect Revenue Procedure 85-58.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-06-86.

**Drafting attorney:** Linda Conway (202) 622-6080.

**Reviewing attorney:** Paul G. Accettura (202) 622-6070.

**Agency Contact:** Linda Conway, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue NW., Washington, DC 20224, 202 622-6080

**RIN:** 1545-AI68

### 2842. CHANGES TO METHOD OF ACCOUNTING FOR CERTAIN TAXPAYERS USING ACCRUAL METHOD OF ACCOUNTING FOR REDEMPTION OF TRADING STAMPS AND COUPONS PURSUANT TO SECTION 461(H) OF THE CODE

**Significance:** Agency Priority

**Legal Authority:** 26 USC 451 Internal Revenue Code of 1986; 26 USC 461 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The current regulations allow reserves for future estimated redemption expenses for trading stamp companies. This is contrary to rules set forth in section 461 of the Internal Revenue Code. The current section should either be removed or amended.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-075-90

**Drafting attorney:** Rochelle Pickard (202) 622-4910.

**Reviewing attorney:** Robert Casey (202) 622-4910.

**Agency Contact:** Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AP04

### 2843. INCOME TAX—INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 15A.453-1(b)(ii)

**Legal Deadline:** None

**Abstract:** Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.



**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-147-82.

Drafting attorney: Kathryn Nunzio (202) 622-4950.

Reviewing attorney: George Wright (202) 622-4950.

**Agency Contact:** Kathryn Nunzio, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

**RIN:** 1545-AB46

**2844. INCOME TAX—DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 457 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Internal Revenue Code section 457 provides an exclusion from gross income, in the case of a participant in an eligible deferred compensation plan, for any amounts deferred under the plan and any income attributable to the amounts attributable to the amounts so deferred.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-166-86

Drafting attorney: Brant Goldwyn (202) 622-6030.

Reviewing attorney: A. Thomas Brisendine (202) 622-6030.

**Agency Contact:** Brant Goldwyn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

**RIN:** 1545-AI89

**2845. ● DEFINITION OF A LONG-TERM CONTRACT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460(h) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.460

**Legal Deadline:** None

**Abstract:** The regulations will address the definition of a "long-term contract" for purposes of IRC section 460. This definition is necessary for taxpayers to determine whether their activities must be accounted for under IRC section 460 in determining their taxable income.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-58-91

Drafting attorney: Leo F. Nolan II (202) 622-4970.

Reviewing attorney: Eric Pleet (202) 622-4970.

Treasury accountant: J. Paul Whitehead III (202) 622-0868.

**Agency Contact:** Leo F. Nolan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4970

**RIN:** 1545-AQ30

**2846. ● SUBCONTRACTS BETWEEN RELATED PARTIES THAT BENEFIT A LONG-TERM CONTRACT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460(b) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.460

**Legal Deadline:** None

**Abstract:** These regulations are intended to coordinate accounting rules for members of a consolidated return group of corporations with regulations being developed by CC:Corporate in the consolidated return area (CO-11-90).

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-57-91

Drafting attorney: Leo F. Nolan II (202) 622-4970.

Reviewing attorney: Eric Pleet (202) 622-4970.

Treasury accountant: J. Paul Whitehead III (202) 622-0868.

**Agency Contact:** Leo F. Nolan II, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4970

**RIN:** 1545-AQ31

**2847. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The Regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-108-85.

Drafting Attorney: Christopher Kehoe (202) 622-3080.

Reviewing Attorney: Frances D. Schafer (202) 622-3170.

Treasury Attorney: John H. Parcell (202) 622-2578.

**Agency Contact:** Christopher Kehoe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AI02

**2848. APPLICATION OF AT-RISK LIMITATIONS TO THE HOLDING OF REAL PROPERTY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; 26 USC



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752 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will explain the application of the at risk limitations to the activity of holding real property and the exception for qualified nonrecourse financing.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-124-86.

Drafting attorney: Donna Welch (202) 622-3080.

Reviewing attorney: Francis D. Schafer (202) 622-3070.

Treasury attorney: John H. Parcell (202) 622-2578.

**Agency Contact:** Donna Welch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AK08

**2849. REGULATIONS WILL PROVIDE GUIDANCE ON WHAT CONSTITUTES AN INTEREST OTHER THAN THAT OF A CREDITOR**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance on what constitutes an interest other than that of a creditor.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-063-89

Drafting attorneys: Christine Ellison (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-3070.

Treasury attorney: John Parcell (202) 622-2578.

**Agency Contact:** Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AO32

**2850. TEMPORARY INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 467 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1T

**Legal Deadline:** None

**Abstract:** The regulations will provide rules to the accrual of rents for the use of tangible property (and interest on rent that accrues but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be defined. Certain tax avoidance transactions will be defined. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-292-84.

Drafting attorney: Sharon L. Hall (202) 622-4930

Treasury attorney: John Parcell (202) 622-2578.

**Agency Contact:** Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4930

**RIN:** 1545-AG81

**2851. DISPOSITION OF AN INTEREST IN A NUCLEAR POWER PLANT**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.468A-6 (New); 26 CFR 1.468A-1(b) (Revision); 26 CFR

1.468A-3 (Revision); 26 CFR 1.468A-8(b) (Revision); 26 CFR 1.468A-5(a)

**Legal Deadline:** None

**Abstract:** Final regulations relating to Nuclear Decommissioning Funds did not include provisions for treatment upon disposition of an interest in a nuclear power plant. The proposed regulations will provide guidance to determine the tax consequences of such disposition on a Nuclear Decommissioning Fund and on taxpayers that establish such funds. In addition, the proposed regulations will make a number of needed changes and clarifications to the existing regulations that will aid in the administration and processing of requests for schedules of ruling amounts.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Sectors Affected:** 491 Electric Services; 493 Combination Electric and Gas, and Other Utility Services

**Additional Information:** PS-004-89

Drafting Attorney: Peter C. Friedman (202) 622-3110.

Reviewing Attorney: Charles B. Ramsey (202) 622-3110.

Treasury Attorney: Eve Elgin (202) 622-1338.

**Agency Contact:** Peter C. Friedman, Senior Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110

**RIN:** 1545-AN06

**2852. ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l)(4) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.163-8

**Legal Deadline:** None

**Abstract:** The regulations will set forth rules pursuant to which interest expense will be allocated among (1) trade or business interest (which is deductible), (2) investment interest (which is deductible subject to the limitations of section 163(d)), (3) passive activity interest (which is deductible



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subject to the limitations of section 469), and (4) personal interest (which, pursuant to section 103(h), is not deductible). Finalizing temporary regulations used in T.D. 8145 (7/1/87).

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-043-90

Drafting attorney: Val Strehlow (202) 622-4950.

Reviewing attorney: George Wright (202) 622-4950.

**Agency Contact:** Val Strehlow, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4950

**RIN:** 1545-AO93

### 2853. SPECIAL RULES FOR ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES IN THE CASE OF PASSTHROUGH ENTITIES

**Legal Authority:** 26 USC 469(l) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.163-8T

**Legal Deadline:** None

**Abstract:** The regulation will address the treatment of interest expense on (1) debt allocated to distributions by passthrough entities; (2) repayment of passthrough entity debt; (3) debt allocated to expenditures for interests in passthrough entities; and (4) allocation of debt to loans between passthrough entities and interest holders.

**Timetable:**

Action	Date	FR Cite
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NPRM 07/00/93

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-109-87

Drafting attorney: Ronald M. Gootzeit (202) 622-3080.

Reviewing attorney: Margaret M. O'Connor (202) 622-3070.

Treasury attorney: John H. Parcell (202) 622-2578.

**Agency Contact:** Ronald M. Gootzeit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AM79

### 2854. SIMPLIFIED DOLLAR-VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar-value LIFO method of inventory valuation. This method requires the use of published government indexes.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-31-87

Drafting attorney: Richard O. Davis (202) 622-4970.

Reviewing attorney: Eric Pleet (202) 622-4970.

Treasury accountant-advisor: J. Paul Whitehead (202) 622-2668.

**Agency Contact:** Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970

**RIN:** 1545-AK64

### 2855. INCOME TAX—UNRELATED TRADE OR BUSINESS INCOME

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 512 (a) Internal Revenue Code of 1986; 26 USC 514 (c) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue

will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income. The regulation will also address the issue of the proper allocation method to determine fixed indirect expenses connected with the unrelated trade or business use of an exempt organization's property.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-27-81.

Drafting attorney: Monice Rosenbaum (202) 622-6070.

Reviewing attorney: James L. Brokaw (202) 622-6070.

**Agency Contact:** Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

**RIN:** 1545-AE00

### 2856. TAXATION OF CERTAIN QUALIFIED EXEMPT ORGANIZATIONS ON INCOME FROM DEBT-FINANCED PROPERTY OWNED THROUGH A PARTNERSHIP

**Significance:** Agency Priority

**Legal Authority:** 26 USC 514(c)(9) Internal Revenue Code of 1988

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules governing the application of section 514(c)(9)(E) of the IRC to certain partnerships in which one or more (but not all) of the partners are qualified tax-exempt organizations within the meaning of 514(c)(9)(C).

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-056-90



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Drafting attorney: Christopher Kehoe (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-3070.

**Agency Contact:** Christopher Kehoe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AO78

### 2857. ● MERGER OR DIVISION OF COMMON TRUST FUNDS—SECTION 584

**Legal Authority:** 26 USC 7805 INTERNAL REVENUE CODE OF 1986; 26 USC 584 INTERNAL REVENUE CODE OF 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Amendment of section 1.584-4 of the regulations relating to the diversification requirement for mergers or divisions of common trust funds.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-29-92

Drafting attorney: H. Grace Kim (202) 622-3060.

Reviewing attorney: Richard G. Blumenreich (202) 622-3060.

Treasury attorney: J. Judge Kelley (202) 622-1339.

**Agency Contact:** H. Grace Kim, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 202 622-3060

**RIN:** 1545-AQ64

### 2858. ● STATEMENT OF PROCEDURAL RULES—APPEALS FUNCTION

**Significance:** Agency Priority

**Legal Authority:** 5 USC 552(a)(1)(C)

**CFR Citation:** 26 CFR 601.106

**Legal Deadline:** None

**Abstract:** This portion of the SPR updates the rules for appealing an examination within the Service. It also revises the rule prescribing the

information that a taxpayer must submit to initiate an appeal.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-085-91

Drafting attorney: John M. Moran (202) 622-4940.

Reviewing attorney: George Bradley (202) 622-4800.

Treasury attorney: Jose Berra (202) 622-0999.

**Agency Contact:** John M. Moran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

**RIN:** 1545-AQ18

### 2859. PROPERTY DISTRIBUTED IN KIND AND TREATMENT OF MULTIPLE TRUSTS (SEC. 81 AND 82 OF THE TAX REFORM ACT OF 1984)

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules relating to the tax consequences when property is distributed in kind from a trust or estate, including rules specifying what gain is recognized upon distribution, who recognizes such gain, and what the basis of the distributed property is in the hands of the distributee. The regulations also explain election rules available to the distributing trust or estate. The regulations also explain rules under which certain multiple trusts will be treated as a single trust.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-34-85.

Drafting attorney: Robert Rio (202) 622-3060.

Reviewing attorney: Thomas J. Hines (202) 622-3060.

**Agency Contact:** Robert Rio, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

**RIN:** 1545-AI08

### 2860. CLARIFICATION OF SECTION 1.643(A)(3) RELATING TO THE INCLUSION OF CAPITAL GAIN IN DISTRIBUTABLE NET INCOME

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643(a)(3) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulation will revise rules specifying when capital gains will be included in distributable net income.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-148-85.

Drafting Attorney: Robert Rio (202) 622-3060.

Reviewing Attorney: Thomas J. Hines (202) 622-3060.

Treasury Attorney: Robert Weaver (202) 622-0871.

**Agency Contact:** Robert Rio, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

**RIN:** 1545-AI31

### 2861. ACCUMULATION TRUSTS

**Legal Authority:** 26 USC 667 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.667(a); 26 CFR 1.641; 26 CFR 1.643; 26 CFR 1.652; 26 CFR 1.661; 26 CFR 1.666; 26 CFR 1.668

**Legal Deadline:** None

**Abstract:** The Tax Reform Act of 1986 provides for a new method of computing the tax on distributions of income accumulated by a trust in prior years. The new method, in effect, determines the tax attributable to an accumulation distribution by averaging the distribution over the number of



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years during which the income was earned by the trust. This is accomplished by including, for purposes of tentative computations, a fraction of the income received from the trust in the beneficiaries' income for 3 of the 5 preceding years. Those 3 years are determined by taking from the 5 preceding years the year with the highest taxable income and the year with the lowest. The fraction of the income included in each of the 3 years is based upon the number of years during which the income is accumulated by the trust. The average yearly additional tax determined by recomputing the tax for the 3 years is then multiplied by the number of years during which the distribution was accumulated. The resulting tax so computed may be offset by a credit for any taxes previously paid by the trust with respect to the accumulated income. (cont)

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entitles Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-184-76

Drafting attorney: Daniel M. McCabe (202) 622-3060.

Reviewing attorney: Tom Hines (202) 622-3060.

Treasury attorney: Bob Weaver (202) 622-0871.

**ABSTRACT CONT:** Any remaining tax liability is then due and payable in the same year as the tax on the beneficiary's other income in the year of the distribution.

**Agency Contact:** Daniel M. McCabe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

**RIN:** 1545-AM78

**2862. INCOME TAXATION OF TRUSTS AND ESTATES**

**Legal Authority:** 26 USC 672 Internal Revenue Code of 1986; 26 USC 673 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide rules regarding taxation of certain grantor trusts.

**Timetable:**

Action	Date	FR Cite
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NPRM 06/00/93

**Small Entitles Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-108-86.

Drafting attorney: James Quinn (202) 622-3060.

Reviewing attorney: Richard G. Blumenreich (202) 622-3060.

Treasury attorney: Robert Weaver (202) 622-0871.

**Agency Contact:** James Quinn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

**RIN:** 1545-AJ20

**2863. FOREIGN GRANTOR TRUSTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 679 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance to taxpayers concerning the income tax treatment of transfers by U.S. persons to foreign trusts having U.S. beneficiaries. The amendments will conform to changes made by section 1013 of the Tax Reform Act of 1976.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entitles Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-243-89

Drafting attorney: Jeffrey L. Vinnik (202) 622-3860.

Reviewing attorney: Benedetta A. Kissel (202) 622-3810.

Treasury attorney: Unassigned.

**Agency Contact:** Jeffrey L. Vinnik, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AO75

**2864. ALLOCATIONS OF INCOME GAIN, LOSS, AND DEDUCTION WITH RESPECT TO PROPERTY CONTRIBUTED TO A PARTNERSHIP**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Legal Deadline:** None

**Abstract:** The regulations will provide rules and examples relating to the requirement to allocate income, gain, loss, and deduction so as to take into account the variation between the basis of the property and its fair market value at the time of contribution.

**Timetable:**

Action	Date	FR Cite
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NPRM 11/00/92

**Small Entitles Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** PS-164-84.

Drafting Attorney: David Edquist (202) 622-3050.

Reviewing attorney: Claire Toth (202) 622-3035.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** David Edquist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3050

**RIN:** 1545-AG98

**2865. INCOME TAX—ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (d) Internal Revenue Code of 1986; 26 USC 704 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.



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## Timetable:

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional information:** PS-265-76.

Drafting Attorney: Ann Veninga (202) 622-3080.

Reviewing Attorney: William P. O'Shea (202) 622-3050.

**Agency Contact:** Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AB81

### 2866. INCOME TAX—TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.707

**Legal Deadline:** None

**Abstract:** These regulations will provide guidance to taxpayers relating to the treatment of certain allocations and distributions to partners for services and transfers of property where the partner is not acting in his capacity as a partner.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-234-84.

Drafting attorney: Brad Saunders (202) 622-3050.

Reviewing attorney: David R. Haglund (202) 622-3050.

**Agency Contact:** Brad Saunders, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3050

**RIN:** 1545-AG83

### 2867. ELECTION OUT OF SUBCHAPTER K FOR PRODUCERS OF NATURAL GAS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 761 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide additional requirements for producers of natural gas electing under section 761 to be excluded from the subchapter K partnership rules.

## Timetable:

Action	Date	FR Cite
NPRM	10/00/92	
Final Action	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-103-90

Drafting attorney: H. Grace Kim (202) 622-3060.

Reviewing attorney: Richard G. Blumenreich (202) 622-3060.

Treasury attorney: S. Barksdale Penick (202) 622-1335.

**Agency Contact:** H. Grace Kim, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

**RIN:** 1545-AP23

### 2868. TAXATION OF FOREIGN INSURANCE COMPANIES DOING BUSINESS IN THE UNITED STATES INCLUDING THE EXPLICATION OF THE MINIMUM NET INVESTMENT INCOME CALCULATION

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.842 (New); Not yet determined

**Legal Deadline:** None

**Abstract:** The regulation will describe the proper rules applicable to the taxation of foreign insurance companies doing business in the United States. In particular, the regulation will address the computation of an insurance company's minimum effectively connected net investment income. Also the procedures by which an insurance

company may elect to use its worldwide current investment yields will be discussed.

## Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-020-89

Drafting Attorney: Thomas M. Preston (202) 622-3970.

Reviewing Attorney: Steve Hooe (202) 622-3970.

Treasury attorney: Carol Dunahoo (202) 622-0726.

**Agency Contact:** Thomas M. Preston, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3970

**RIN:** 1545-AN31

### 2869. FOREIGN INSURANCE COMPANIES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986; 26 USC 864(c)(4) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.

**Legal Deadline:** None

**Abstract:** Regulation will prescribe rules for determining income effectively connected with the conduct of an insurance business in the United States.

## Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-024-88

Drafting attorney: Mary Gillmarten (202) 622-3870

Reviewing attorney: Jacob Feldman (202) 622-3870.

Treasury attorney: Carol Dunahoo (202) 622-0726.

**Agency Contact:** Mary Gillmarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,



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1111 Constitution Ave. NW.,  
Washington, DC 20224, 202 622-3870  
RIN: 1545-AL82

**2870. RECOMPUTATION OF ALLOCATION AND APPORTIONMENT OF DEDUCTION FOR STATE INCOME TAXES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 862 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986  
**CFR Citation:** 26 CFR 1.861-8  
**Legal Deadline:** None

**Abstract:** These regulations will address acceptable methods of recomputing allocation and apportionment of deduction for state income taxes after recomputation of state tax liability.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined  
**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined  
**Additional Information:** INTL-009-91  
Drafting attorney: David F. Chan (202) 622-3810.  
Reviewing attorney: Thomas D. Fuller (202) 622-3880.  
Treasury attorney: Emily McMahon (202) 622-1763.

**Agency Contact:** David F. Chan, Legislative Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3810

RIN: 1545-AP86

**2871. TRANSPORTATION INCOME SOURCE RULES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules relating to the source of income attributable to transportation which begins or ends in the United States.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined  
**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Additional Information:** INTL-947-86  
Drafting attorney: Patricia A. Bray (202) 622-3840.

Reviewing attorney: David I. Bower (202) 622-3840.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AJ68

**2872. SOURCING RULE APPLICABLE TO CERTAIN INSURANCE INCOME**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will source insurance product income comprising amounts paid or credited to foreign policy holders of qualified and failed insurance annuity contracts sold by US insurance companies through foreign branches.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined  
**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Additional Information:** INTL-0093-91  
Drafting attorney: Margaret A. Hogan (202) 622-3870.

Reviewing attorney: Barbara A. Felker (202) 622-3870.

Treasury attorney: Carol Dunahoo (202) 622-0726.

**Agency Contact:** Margaret A. Hogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue NW.,  
Washington, DC 20224, 202 622-3870  
RIN: 1545-AQ37

**2873. SPECIAL RULES FOR DETERMINING SOURCE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863(a) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.863-1(d)

**Legal Deadline:** None

**Abstract:** The regulations provide rules for determining the source of scholarships and fellowship grants as defined under section 117 of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined  
**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Additional Information:** INTL-041-92  
Drafting attorney: Carol P. Tello (202) 622-3880.  
Reviewing attorney: Thomas D. Fuller (202) 622-3880.

Treasury attorney: Emily McMahon (202) 622-1763.

**Agency Contact:** Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AQ81

**2874. TIERED PARTNERSHIP RULES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will address whether a foreign partner in a tiered partnership arrangement is engaged in a trade or business in the United States by virtue of membership in that tiered partnership where the second tier partnership meets the requirements of being in U.S. trade or business. The alternatives are 1) to conclude the foreign partner is engaged in U.S. trade or business because any member of the tiered partnership arrangements is; and 2) to conclude the foreign partner is not engaged in a U.S. trade of business



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where the first tier partnership is not so engaged. Other considerations include the meaning of "principal place of business" and whether an entity may have more than one, and attribution rules applicable to the entities. A problem with the second alternative is that it arguably gives priority to form over substance, however, there are several methods by which the first alternative could be avoided and their appears to be no policy reason to prefer one form of doing business over another. Furthermore, no additional tax would be collected by following alternative 1.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined		
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**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-063-90

Drafting attorney: Mary Gillmarten (202) 622-3870.

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870.

Treasury attorney: Unassigned.

**Agency Contact:** Mary Gillmarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

**RIN:** 1545-AO28

**2875. TREATMENT OF DEFERRED PAYMENTS AND APPRECIATION ARISING OUT OF BUSINESS CONDUCTED WITHIN THE UNITED STATES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance on the treatment of certain deferred payments and property transactions in sourcing effectively connected income.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined		
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**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-662-88

Drafting attorney: Kristine K. Schlaman (202) 622-3850.

Reviewing attorney: Charles C. Saverude (202) 622-3800.

Treasury attorney: Unassigned.

**Agency Contact:** Kristine K. Schlaman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

**RIN:** 1545-AM53

**2876. SOURCE RULES FOR PERSONAL PROPERTY SALES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide rules for determining the source of income from sales of personal property. The regulation will set forth rules for sales by U.S. residents and non-residents and specify special rules for depreciable personal property, intangibles, sales connected with an office or other fixed place of business, and sales of a foreign affiliate by a U.S. corporation.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined		
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**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-946-86

Drafting attorney: Carol P. Tello (202) 622-3880.

Reviewing attorney: Thomas J. Fuller (202) 622-3880.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3880

**RIN:** 1545-AJ83

**2877. INCOME TAX—RECIPROCAL EXEMPTIONS FOR CERTAIN TRANSPORTATION INCOME**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 883 Internal Revenue Code of 1986; 26 USC 872 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation would provide rules with respect to whether a foreign country will be considered to grant a reciprocal Aircraft/Shipping exemption to U.S. corporations for purposes of section 883 of the Code, or to U.S. citizens for purposes of section 872 of the Code.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined		
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**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-948-86

Drafting attorney: Patricia A. Bray (202) 622-3840.

Reviewing attorney: David I. Bower (202) 622-3840.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AJ57

**2878. BANK EXCLUSION FROM PORTFOLIO INTEREST**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1954

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Exception to 30 percent withholding on portfolio interest does not apply to banks. This regulation will address what a bank is for purposes of section 881.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined		
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**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Additional Information:** INTL-080-91  
 Drafting attorney: E. Leslie Berkowitz (202) 622-3850.  
 Reviewing attorney: Charles Saverude (202) 622-3800.  
 Treasury attorney: Emily McMahon (202) 622-1763.

**Agency Contact:** E. Leslie Berkowitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850  
**RIN:** 1545-AQ39

**2879. ● AMENDMENTS TO THE BRANCH PROFITS TAX UNDER SECTIONS 884 AND 864**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986  
**CFR Citation:** 26 CFR 1; 26 CFR 1.884; 26 CFR 1.864  
**Legal Deadline:** None

**Abstract:** This regulation will revise the "asset-use" test under section 864 to exclude stock. This regulation will explain what percentage of an interest in a partnership, trust or estate is a U.S. asset under section 884. In addition, this regulation amends the definition of "branch interest" under section 884.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined  
**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Additional Information:** INTL-003-92  
 Drafting attorney: Elizabeth U. Karzon (202) 622-3860.  
 Reviewing attorney: Benedetta A. Kissel (202) 622-3810.  
 Treasury attorney: P. Ann Fisher (202) 622-1755.  
**Agency Contact:** Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860  
**RIN:** 1545-AQ58

**2880. ● PROPOSED REGULATIONS UNDER SECTION 1.884-3**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986  
**CFR Citation:** 26 CFR 1; 26 CFR 1.884  
**Legal Deadline:** None

**Abstract:** This regulation will provide guidance on the coordination of the branch profits with second-tier withholding tax on dividends.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined  
**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Additional Information:** INTL-028-92  
 Drafting attorney: Elizabeth U. Karzon (202) 622-3860.  
 Reviewing attorney: Benedetta A. Kissel (202) 622-3810.  
 Treasury attorney: P. Ann Fisher (202) 622-1755.  
**Agency Contact:** Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, 202 622-3860  
**RIN:** 1545-AQ72

**2881. ● DIVIDEND WITHHOLDING—LUXEMBOURG CORPORATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986  
**CFR Citation:** 26 CFR 1  
**Legal Deadline:** None

**Abstract:** Regulation is intended to ensure compliance by Luxembourg Corporations with U.S. - Luxembourg income tax treaty.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined  
**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Additional Information:** INTL-017-92  
 Drafting Attorney: Joseph S. Henderson (202) 622-3850.

Reviewing Attorney: Carol Doran-Klein (202) 622-3850.

Treasury Attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Joseph S. Henderson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850  
**RIN:** 1545-AQ54

**2882. INCOME TAX—PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN UNITED STATES REAL PROPERTY INTERESTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986; 26 USC 1445(e)(5) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** To provide rules for foreign partners disposing of an interest in a partnership holding United States real property interests, to determine the amount of gain or loss from such disposition for purposes of section 897(a).

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined  
**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Additional Information:** INTL-384-88  
 Drafting attorney: James Sams (202) 622-3840.  
 Reviewing attorney: Charles Besecky (202) 622-3860.  
 Treasury attorney: Peter Marrs (202) 622-0724.  
**Agency Contact:** James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840  
**RIN:** 1545-AL77



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**2883. DEEMED PAID CREDIT UNDER SECTION 902 DETERMINED ON ACCUMULATED BASIS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 902(c)(7) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will modify the existing regulations to reflect changes in the computation of the indirect credit under the 1986 Act. The regulations will incorporate a pooling mechanism (rather than year-by-year) and will also reflect the separate basket computations under section 904(d).

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-933-86

Drafting attorney: Caren S. Shein (202) 622-3850.

Reviewing attorney: Carol Doran Klein (202) 622-3850.

Treasury attorney: Joni Walser (202) 622-1781.

**Agency Contact:** Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

**RIN:** 1545-AL98

**2884. CONFORMING TAXABLE YEARS OF CFCS AND FPHCS: 1989 CHANGE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 898 Internal Revenue Code of 1986; 26 USC 902 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation provides guidance to taxpayers concerning new section 898 of the Internal Revenue Code, added to the Code by the Omnibus Budget Reconciliation Act of 1989. Section 898 requires the taxable years of certain specified foreign corporations to conform to the taxable years of their majority U.S. shareholders.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-848-89

Drafting attorney: William T. Lundeen (202) 622-3840.

Reviewing attorney: David I. Bower (202) 622-3840.

Treasury attorney: Unassigned.

**Agency Contact:** William T. Lundeen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AO22

**2885. SECTION 905(B) REGULATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will address the substantiation of foreign tax credits.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-087-90

Drafting Attorney: Carl M. Cooper (202) 622-3840.

Reviewing Attorney: Phyllis E. Marcus (202) 622-3840.

Treasury Attorney: Unassigned.

**Agency Contact:** Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AP36

**2886. FOREIGN INSURANCE COMPANY - DOMESTIC ELECTION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953(d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide substantive and procedural rules regarding the election under section 953(d) to treat certain controlled foreign corporations engaged in the insurance business as domestic corporations.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-765-89

Drafting attorney: Valerie A. Mark (202) 622-3840.

Reviewing attorney: David I. Bower (202) 622-3840.

Treasury attorney: Carol Dunahoo (202) 622-0726.

**Agency Contact:** Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AO25

**2887. SUBPART F SHIPPING AMENDMENTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will address statutory changes under the Tax Reform Act of 1986, with respect to foreign base company shipping income and amounts invested in and withdrawn from foreign base company shipping operations.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-654-88

Drafting attorney: Valerie A. Mark (202) 622-3840.

Reviewing attorney: Jack Feldman (202) 622-3870.



TREAS—IRS

Proposed Rule Stage

Treasury attorney: Unassigned.

**Agency Contact:** Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AM46

**2888. DEEMED PAID CREDIT UNDER SECTION 960 DETERMINED ON ACCUMULATED BASIS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 902(c)(7) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will modify the existing regulations to reflect changes in the computation of the indirect credit under the 1986 Act. The regulations will incorporate a pooling mechanism (rather than year-by-year) and will also reflect the separate basket computations under section 904(d).

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-0084-91

Drafting attorney: Caren S. Shein (202) 622-3850.

Reviewing attorney: Carol Doran-Klein (202) 622-3850.

Treasury attorney: Joni Walser (202) 622-1781.

**Agency Contact:** Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850

**RIN:** 1545-AQ34

**2889. EFFECT OF ACQUISITIVE REORGANIZATIONS ON EARNINGS AND PROFITS POOLS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 964 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal would address the effect of acquisitive reorganizations on

earnings and profits pools as required by the Tax Reform Act of 1986.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** INTL-105-90

Drafting Attorney: Carol E. Murphy (202) 622-3870.

Reviewing Attorney: Barbara A. Felker (202) 622-3870.

Treasury Attorney: Unassigned.

**Agency Contact:** Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

**RIN:** 1545-AO71

**2890. QBU'S THAT CHANGE FUNCTIONAL CURRENCY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 985 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 985

**Legal Deadline:** None

**Abstract:** These regulations cover adjustments required upon a change in functional currency and provide transition rules for a QBU that uses the net worth method beginning in 1987. Issues being considered include the adjustments to be required when a noncorporate taxpayer changes its functional currency.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** INTL-087-91

Drafting attorney: Teresa B. Hughes (202) 622-3870.

Reviewing attorney: Barbara Felker (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Jacob Feldman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

**RIN:** 1545-AQ44

**2891. DETERMINATION OF FOREIGN TAXES AND FOREIGN CORPORATION'S EARNINGS AND PROFITS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 986 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules for translating foreign earnings and profits and taxes into dollars, as well as timing and computation rules relating to the taxation of exchange gain or loss on previously taxed income that is distributed through a chain of controlled foreign corporations.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-107-89

Drafting attorney: Mary Gillmarten (202) 622-3870.

Reviewing attorney: Barbara Felker (202) 622-3870.

Treasury attorney: Unassigned.

**Agency Contact:** Mary Gillmarten, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

**RIN:** 1545-AN37

**2892. DISC REGULATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Conforming DISC regulations to FSC regulations.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined



## TREAS—IRS

## Proposed Rule Stage

**Government Levels Affected:**  
Undetermined

**Additional information:** INTL-114-88

Drafting attorney: E. Leslie Berkowitz  
(202) 622-3850.

Reviewing attorney: Richard L.  
Chewing (202) 622-3870.

Treasury attorney: Unassigned.

**Agency Contact:** E. Leslie Berkowitz,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Ave. NW.,  
Washington, DC 20224, 202 622-3850

**RIN:** 1545-AM05

### 2893. BASIS REDUCTION DUE TO CANCELLATION OF INDEBTEDNESS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC  
1017(b)(1) Internal Revenue Code of  
1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations will  
explain the ordering rules that a  
taxpayer must use to reduce its tax  
attributes in accordance with sections  
108(b) and 1017 of the Internal Revenue  
Code for discharges of indebtedness  
that occur after December 31, 1986.

**Timetable:**

Action	Date	FR Cite
Next Action	Undetermined	

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional Information:** IA-48-91

Drafting attorney: Leo F. Nolan II (202)  
622-4970.

**Agency Contact:** Leo F. Nolan II,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-4970

**RIN:** 1545-AP77

### 2894. ● LIKE-KIND EXCHANGES— COORDINATION WITH SECTION 453

**Significance:** Agency Priority

**Legal Authority:** 26 USC 1031(a)(3)  
Internal Revenue Code of 1986; 26 USC  
453 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed income tax  
regulations under section 1031(a)(3) of  
the Internal Revenue Code of 1986  
relate to the coordination of section  
1031(a)(3) with section 453. The  
proposed regulations would affect  
taxpayers who engage in certain like-  
kind exchanges under section 1031.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional information:** IA-107-91

Drafting attorney: Christopher Kane  
(202) 622-4800.

Treasury attorney: Heidi Ebel (202) 622-  
1334.

**Agency Contact:** Christopher Kane,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-4800

**RIN:** 1545-AQ48

### 2895. INCOME TAX—TAX STRADDLES

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 1092  
Internal Revenue Code of 1986; 26 USC  
6653 Internal Revenue Code of 1986; 26  
USC 263 (g) Internal Revenue Code of  
1986; 26 USC 1256 Internal Revenue  
Code of 1986; 26 USC 1212 Internal  
Revenue Code of 1986; 26 USC 1238  
Internal Revenue Code of 1986; 26 USC  
1234A Internal Revenue Code of 1986;  
26 USC 1232 Internal Revenue Code of  
1986; 26 USC 1221 Internal Revenue  
Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will  
provide the rules under title 5 of the  
Economic Recovery Tax Act of 1981 for  
tax straddles. These regulations will  
affect the tax treatment of regulated  
futures contracts, forward contracts,  
and positions in commodities.

**Timetable:**

Action	Date	FR Cite
Next Action	Undetermined	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional information:** FI-187-81.

Drafting attorney: Robert Williams (202)  
622-3950.

Reviewing attorney: Unassigned

Treasury attorney: Unassigned

**Agency Contact:** Robert Williams,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Ave. NW., Washington,  
DC 20224, 202 622-3950

**RIN:** 1545-AC21

### 2896. ● REVISION OF SECTION 1244 REGULATIONS

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 1244  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1244(c)-1(e)

**Legal Deadline:** None

**Abstract:** These regulations revise 1244  
regulations to provide ordinary loss  
treatment to shareholders of  
corporations that earn royalties, rents,  
dividends, interest, annuities and gains  
from the sale of exchange of stock to  
securities in the active conduct of  
business.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional information:** CO-39-92

Drafting attorney: Kirsten L. Simpson  
(202) 622-7258.

Reviewing attorney: Robert Testoff  
(202) 622-7790.

**Agency Contact:** Kirsten L. Simpson,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW.,  
Washington, DC 20224, 202 622-7258

**RIN:** 1545-AQ80

### 2897. GAINS FROM CERTAIN SALES OR EXCHANGES IN CERTAIN FOREIGN CORPORATIONS

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986

**CFR Citation:** 26 CFR 1



## TREAS—IRS

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** Temporary regulations that amend the regulations under section 1248 to partially suspend the application of section 1248(e) and to limit the application of section 1248(f) to those situations in which gain is not required.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-039-87

Drafting attorney: David F. Bergkuist (202) 622-3860.

Reviewing attorney: Charles Saverude (202) 622-3900.

Treasury attorney: Marlin Risinger (202) 622-1762.

**Agency Contact:** David F. Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AL89

### 2898. INCOME TAX—GAIN FROM DISPOSITION OF INTEREST IN OIL, GAS, GEOTHERMAL OR OTHER MINERAL PROPERTIES BY S CORPORATIONS AND THEIR SHAREHOLDERS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will determine the tax treatment by S corporations and their shareholders from the disposition of certain oil, gas, geothermal, or other mineral properties. Gain subject to recapture under section 1254 will be accorded ordinary income treatment. The regulations also will determine the tax treatment of sales of shares of stock in an S corporation that

holds oil, gas, geothermal, or other mineral properties.

**Timetable:**

Action	Date	FR Cite
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NPRM 11/00/92

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-7-89

Drafting attorney: James A. Quinn (202) 622-3060.

Reviewing attorney: Richard Blumenreich (202) 622-3060.

Treasury attorney: Barksdale Penick (202) 622-1335.

**Agency Contact:** James A. Quinn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AM98

### 2899. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** FI-10-86.

Drafting attorney: Robert B. Williams (202) 622-3950.

Reviewing attorney: Alice M. Bennett (202) 622-3950.

**Agency Contact:** Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave. NW., Washington, DC 20224, 202 622-3950

RIN: 1545-AI72

### 2900. ● CONTINGENT AND VARIABLE DEBT INSTRUMENTS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275(d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1275

**Legal Deadline:** None

**Abstract:** The regulation will address the proper accrual of original issue discount on debt instruments that provide for contingent or variable payments. This regulation will clarify existing uncertainties under the present law.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-059-91

Drafting attorney: Frederick S. Campbell-Mohn (202) 622-3940.

Reviewing attorney: William Blanchard (202) 622-3930.

**Agency Contact:** Frederick S. Campbell-Mohn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3940

RIN: 1545-AQ86

### 2901. ● TREATMENT OF CERTAIN STRIPPED BONDS AND STRIPPED COUPONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1286 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules relating to the tax treatment of stripped bonds and stripped coupons purchased after July 1, 1982. In particular, guidance will be given as to the proper method for allocations of basis and purchase price.



## TREAS—IRS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-104-91

Drafting attorney: Mark Smith (202) 622-3452.

Reviewing attorney: Sharon Galm (202) 622-3920.

**Agency Contact:** Mark Smith, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3452

RIN: 1545-AQ25

**2902. QEF SHAREHOLDER ELECTION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1295 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** The regulation will address QEF shareholder election as it applies to section 1295.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-579-88

Drafting Attorney: Joseph S. Henderson (202) 622-3850.

Reviewing Attorney: Thomas D. Fuller (202) 622-3880.

Treasury Attorney: Unassigned.

**Agency Contact:** Joseph S. Henderson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AM41

**2903. INCOME TAX—PASS-THROUGH OF S CORPORATION ITEMS TO SHAREHOLDERS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-261-82.

Drafting Attorney: Christine Ellison (202) 622-3080.

Reviewing Attorney: Frances Schafer (202) 622-3070.

**Agency Contact:** Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AE85

**2904. INCOME TAX—APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1371 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** The proposed regulations would provide guidance in applying the rules of subchapter C to subchapter S.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/00/92

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-265-82.

Drafting Attorney: Channing Brackey (202) 622-3080.

Reviewing Attorney: Frances Schafer (202) 622-3070.

Treasury Attorney: Heidi Ebel (202) 622-0864.

**Agency Contact:** Channing Brackey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AE90

**2905. CROSS-REFERENCE—APPLICATION OF SECTION 1374 BUILT-IN GAINS TAX C CORPORATIONS ELECTING S CORPORATION STATUS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** Proposal will provide rules relating to the section 1374 built-in gains tax to C corporations electing S corporation status.

**Timetable:**

Action	Date	FR Cite
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NPRM 12/31/92

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-80-87

Drafting attorney: Mark S. Jennings (202) 622-7530.

Reviewing attorney: Nelson F. Crouch (202) 622-7740.

Treasury attorney: James Miller (202) 622-1788.

**Agency Contact:** Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7530

RIN: 1545-AK93

**2906. INCOME TAX—DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** Regulations would define and interpret special rules contained in Section 1377 of the Internal Revenue Code of 1986, thereby giving guidance on how the Internal Revenue Service intends to interpret that section.



**Timetable:**

Action	Date	FR Cite
NPRM	03/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-268-82.

**Drafting Attorney:** Daniel McCabe (202) 622-3060.

**Reviewing Attorney:** Richard Blumenreich (202) 622-3060.

**Treasury Attorney:** Jim Miller (202) 622-1768.

**Agency Contact:** Daniel McCabe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

**RIN:** 1545-AE94

**2907. ● USE OF PASSIVE ACTIVITY LOSS CARRYOVERS BY BANKRUPTCY ESTATES**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 1398(g)(8) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Section 1398(g) which enumerated certain attributes of individual debtors that pass to the bankruptcy estate in cases under chapter 7 of or chapter 11 of the Bankruptcy Code was enacted in 1980. Section 1398(g)(8) provides that the Secretary can designate by regulation additional attributes that pass to the bankruptcy estate to the extent necessary or appropriate to carry out the purposes of section 1398. Section 469 which created passive activity losses was enacted in 1986. Passive activity losses are not attributes that are specifically enumerated in section 1398(g). This regulation addresses whether passive activity losses should be designated as an attribute that passes to the estate under section 1398(g). This regulation will provide guidance in an area of the law that is unclear.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** IA-5-92

**Drafting attorney:** Amy Sargent (202) 622-4930.

**Reviewing attorney:** Karin Gross (202) 622-4930.

**Agency Contact:** Amy Sargent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4930

**RIN:** 1545-AQ50

**2908. REVISION OF REGULATIONS UNDER SECTIONS 1491, 1492, AND 1494**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1491 Internal Revenue Code of 1986; 26 USC 1492 Internal Revenue Code of 1986; 26 USC 1494 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The purpose of these regulations is to provide guidance to taxpayers regarding both the types of outbound property transfers that are subject to the tax imposed by section 1491 and the types of outbound property transfers that are exempt from the tax by reasons of section 1492.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-102-89

**Drafting attorney:** Keith E. Engel (202) 622-3860.

**Reviewing attorney:** Charles Besecky (202) 622-3860.

**Treasury attorney:** Peter Marrs (202) 622-0724.

**Agency Contact:** Keith E. Engel, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AN39

**2909. INCOME TAX—APPLICATION OF SECTION 465 AT RISK LIMITATIONS TO MEMBERS THAT JOIN IN FILING CONSOLIDATED RETURNS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-75-79.

**Drafting attorney:** Richard E. Coss (202) 622-7790.

**Reviewing attorney:** Peter G. Lynard (202) 622-7710.

**Agency Contact:** Richard E. Coss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7790

**RIN:** 1545-AC55

**2910. CLARIFYING DELETION OF REQUIREMENT OF SECTION 1.1502-47(D)(12) (C) THAT IN APPLYING THE TACKING RULE, PROFIT LIFE ACTIVITIES NOT BE SEPARATED FROM LOSS LIFE ACTIVITIES**

**Legal Authority:** 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1502

**Legal Deadline:** None

**Abstract:** Section 1.1502-47(d)(12)(C) restricted the separation of profitable life activities from loss life activities to prevent the gaming that otherwise could occur under the "bottom-line" consolidation rule mandated by section 818(f) as in existence prior to the Enactment of the Tax Reform Act of



## TREAS—IRS

## Proposed Rule Stage

1984 (TRA 1984), Public Law 98-369. As a result of the new method of taxing life insurance companies enacted in the TRA 1984, the bottom-line consolidation abuse potential is eliminated, thus eliminating the need for section 1.1502-47(d)(12)(C). Removing this provision will remove an unnecessary restraint on transactions, and a potential device to voluntarily deconsolidate.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** CO-157-86

Drafting Attorney: William Barry (202) 622-7770.

Reviewing Attorney: Richard Osborne (202) 622-7770.

Treasury Attorney: Terry Jacobs (202) 622-1332.

**Agency Contact:** William F. Barry, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AI98

**2911. REVISION OF SECTION 1.1502-33**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide new rules for determining earnings and profits of each member of the consolidated group.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-68-88

Drafting attorney: Steven Teplinsky (202) 622-7770.

Reviewing attorney: John Broadbent (202) 622-7710.

Treasury attorney: Andrew Dubroff (202) 622-1766.

**Agency Contact:** Steven Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AL60

**2912. ● INVESTMENT ADJUSTMENTS**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 1503 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1502-11; 26 CFR 1.1502-19; 26 CFR 1.1502-20; 26 CFR 1.1502-31; 26 CFR 1.1502-32; 26 CFR 1.1502-33; 26 CFR 1.1502-76; 26 CFR 1.1502-80

**Legal Deadline:** None

**Abstract:** The proposed regulations modify and simplify the investment adjustment rules of the consolidated return regulations. In addition, various related provisions of the consolidated return regulations are also revised.

**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-030-92

Drafting attorney: Steve Teplinsky (202) 622-7770.

Reviewing attorney: Edward S. Cohen (202) 622-7760.

Treasury attorney: Andrew Dubroff (202) 622-1766.

**Agency Contact:** Steven Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AQ69

**2913. INCOME TAX—INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 1.1504(d)

**Legal Deadline:** None

**Abstract:** The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-338-88

Drafting attorney: Kenneth Allison (202) 622-3860.

Reviewing attorney: Charles Saverude (202) 622-3800.

Treasury attorney: Joni Walser (202) 622-1781.

**Agency Contact:** Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AC58

**2914. ESTATE AND GIFT TAXES, UNIFIED CREDIT IN LIEU OF EXEMPTION, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986; 26 USC 2010 Internal Revenue Code of 1986; 26 USC 2011 Internal Revenue Code of 1986; 26 USC 2012(a) Internal Revenue Code of 1986; 26 USC 2012(c) Internal Revenue Code of 1986; 26 USC 2013(b) Internal Revenue Code of 1986; 26 USC 2013(e)(1) Internal Revenue Code of 1986; 26 USC 2014(b)(2) Internal Revenue Code of 1986; 26 USC 2035 Internal Revenue Code of 1986; 26 USC 2038(a) Internal Revenue Code of 1986; 26 USC 2044 Internal Revenue Code of 1986; 26 USC 2052 Internal Revenue Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 20; 26 CFR 25; 26 CFR 1

**Legal Deadline:** None

**Abstract:** The unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions will be



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implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death. The regulations also provide rules relating to charitable remainder trusts.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-212-76.

Drafting attorney: Deborah S. Ryan (202) 622-3090.

Reviewing attorney: Lee A. Dunn (202) 622-3090.

**Agency Contact:** Deborah S. Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington DC 20224, 202 622-3090

**RIN:** 1545-AC60

**2915. ESTATE TAX—VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2032A Internal Revenue Code of 1986; 26 USC 2013 (f) Internal Revenue Code of 1986; 26 USC 1016 (c) Internal Revenue Code of 1986; 26 USC 1040 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 20; 26 CFR 1

**Legal Deadline:** None

**Abstract:** Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-209-81.

Drafting attorney: Deborah Ryan (202) 622-3090.

Reviewing attorney: Lee Dunn (202) 622-3090.

Treasury Attorney: Robert Weaver (202) 622-0871.

**Agency Contact:** Deborah Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AC62

**2916. ESTATE TAX ANNUITY EXCLUSION REPEAL**

**Legal Authority:** 26 USC 2039 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 20.2039; 26 CFR 25.2517

**Legal Deadline:** None

**Abstract:** Section 2039 of the Internal Revenue Code, as amended by section 525(a) of the Tax Reform Act of 1984 and section 1852(e)(3) of the Tax Reform Act of 1986, provides for the inclusion in a decedent's gross estate of the value of a survivor annuity or other payment attributable to an employer's contribution and the value of an individual retirement annuity or payment. The regulations will address the application of the transitional rules set forth in section 525(a) of TRA 84 and section 1852(e)(3) of TRA 86. It will also address the repeal of the gift tax treatment of the transfer of an annuity under section 2517.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-31-91

Drafting attorney: William L. Blodgett (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

**Agency Contact:** William Blodgett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AP60

**2917. REFORMATION OF CHARITABLE TRANSFERS; DEFINITION OF GUARANTEED ANNUITY AND LEAD UNITRUST INTEREST**

**Legal Authority:** 26 USC 2055 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 20.2055

**Legal Deadline:** None

**Abstract:** This project will address a number of issues including the following: (1) defining commencement under the 90-day rule; (2) defining what is a reformable interest; (3) reforming a nonremainder interest; and (4) reforming a remainder interest in a trust.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-070-89

Drafting attorney: John McQuillan (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

Treasury attorney: Bob Weaver (202) 622-0871.

**Agency Contact:** John McQuillan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AO31

**2918. ALIEN SPOUSE MARITAL DEDUCTION**

**Legal Authority:** 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2056A Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986; 26 USC 6324 Internal Revenue Code of 1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 20; 26 CFR 25

**Legal Deadline:** None

**Abstract:** These regulations will clarify the estate and gift tax treatment of transfers of property where the surviving spouse or donee spouse is not a United States citizen. The regulations



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will prescribe how certain transfers to a qualified domestic trust for the benefit of an alien spouse will qualify for the estate tax marital deduction. The regulations will also describe the manner on which an estate tax is imposed in the case of any principal distribution from a qualified domestic trust before the death of the surviving spouse and upon the value of the property remaining in the trust upon the surviving spouse's death.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-102-88

Drafting attorney: Susan Hurwitz (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

**Agency Contact:** Susan Hurwitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AM85

### 2919. SITUS OF PARTNERSHIP INTERESTS HELD BY A NONRESIDENT ALIEN FOR ESTATE TAX PURPOSES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2105 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 20

**Legal Deadline:** None

**Abstract:** This regulation will determine the amount of partnership interests that will have a United States situs for estate tax purposes.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-079-90

Drafting Attorney: Leslie A. Cracraft (202) 622-3860.

Reviewing Attorney: Benedetta A. Kissel (202) 622-3810.

Treasury Attorney: Carol Dunahoo (202) 622-0726.

**Agency Contact:** Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AP07

### 2920. ● GENERATION-SKIPPING TRANSFER TAX

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 2601; 26 CFR 2662

**Legal Deadline:** None

**Abstract:** Temporary and proposed regulations relating to the respective liabilities of a decedent's executor and the trustee of a trust arrangement with respect to any generation-skipping transfer (GST) tax incurred in connection with a direct skip from a trust arrangement at the decedent's death. Temporary and proposed regulations relating to the circumstances under which the exercise of a nongeneral power of appointment over a trust that is otherwise "grandfathered" for GST tax purposes will constitute a constructive addition to the trust.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-21-92

Drafting attorney: John Franklin (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

**Agency Contact:** John Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AQ65

### 2921. ESTATE TAX—GENERATION-SKIPPING TRANSFER TAX

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 26

**Legal Deadline:** None

**Abstract:** The regulations will provide rules relating to certain definitions, the allocation of the transferor's GST exemption, and the determination of inclusion ratio. The project will also consider amendments made in 1989 by sections 7811(j)(2) and (4) of P.L. 101-239 to code sections 2642(b)(1) and (3) and 2654(a)(1).

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-73-88

Drafting attorney: John B. Franklin (202) 622-3090.

Reviewing attorney: Fred Grundeman (202) 622-3090.

Treasury attorney: Robert Weaver (202) 622-0871.

**Agency Contact:** John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AL75

### 2922. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 (c) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 31

**Legal Deadline:** None

**Abstract:** Proposal would provide rules concerning the treatment of certain deferred compensation and salary reduction arrangements under section 3121 (v) and section 3306 (r) of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.



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**Timetable:**

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NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-142-87.

Drafting attorney: Gregory J. Stull (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

**Agency Contact:** Gregory J. Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

**RIN:** 1545-AF97

### 2923. ● TAXPAYER IDENTIFYING NUMBER MATCHING PROGRAM

**Significance:** Agency Priority

**Legal Authority:** 26 USC 3406 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 3406; 26 CFR 7805

**Legal Deadline:** None

**Abstract:** Under the regulations payors can pre-check the name/TIN combinations furnished by payees prior to their filing an information return and thereby carry out the purposes of section 3406 in obtaining correct TIN/name combinations. Accordingly, prior to filing an information return a payor may contact the Service concerning the TIN furnished by a payee. Upon receiving such an inquiry, the Service will advise the payor whether the name/TIN combination furnished matches the name/TIN combination contained in the Service's records. If the name/TIN combination does not match, then the payor has the opportunity to contact the payee for correction before filing the information return, thus reducing the likelihood of a notice to start backup withholding and of a penalty for filing an information return.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-8-92

Drafting attorney: Renay France (202) 622-4910.

Reviewing attorney: John M. Coulter, Jr. (202) 622-4910.

Treasury attorney: Larry Garrett (202) 622-1778.

**Agency Contact:** Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AQ51

### 2924. ● VALUE OF A LOSS CORPORATION IN AN OWNERSHIP CHANGE TO WHICH SECTION 382(L)(6) APPLIES

**Significance:** Agency Priority

**Legal Authority:** 26 USC 382 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking will provide guidance on the time, manner, and revocability of the election under section 382(l)(5)(H) of the Internal Revenue Code to forego section 382(l)(5); the manner of calculating the increase in value of the loss corporation under section 382(l)(6); the interaction of section 382(l)(6) and other value rules, and the effect of a second ownership change within two years.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** CO-88-90

Drafting attorney: Victor Penico (202) 622-7750.

Reviewing attorney: Nelson Crouch (202) 622-7740.

Treasury attorney: Larry Garrett (202) 622-1778.

**Agency Contact:** Victor Penico, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

**RIN:** 1545-AQ60

### 2925. EXCISE TAX ON DIESEL FUEL

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4091 to 4093 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 48; 26 CFR 4091; 26 CFR 4092; 26 CFR 4093

**Legal Deadline:** None

**Abstract:** This regulation provides rules on diesel and aviation fuel taxes under the Revenue Act of 1987 and the Technical and Miscellaneous Revenue Act of 1988.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Additional Information:** PS-3-88

Drafting attorney: Frank Boland (202) 622-3130.

Reviewing attorney: Dick Kocak (202) 622-3130.

Treasury attorney: J. Paul Whitehead (202) 622-0868.

**Agency Contact:** Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

**RIN:** 1545-AL43

### 2926. ● REGISTRATION UNDER SECTION 4101

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 4101

**Legal Deadline:** None

**Abstract:** Regulations will provide rules for registration and bonding of certain persons involved with gasoline, diesel and aviation fuel.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** PS-77-91

Drafting attorney: Frank Boland (202) 622-3130.



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Reviewing attorney: Richard Kocak  
(202) 622-3130.

Treasury attorney: Larry Garrett (202)  
622-1778.

**Agency Contact:** Frank Boland,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Ave. NW., Washington,  
DC 20224, 202 622-3130

RIN: 1545-AQ10

### 2927. REVISION AND UPDATE OF COMMUNICATIONS TAX REGS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 4251  
Internal Revenue Code of 1986; 26 USC  
4252 Internal Revenue Code of 1986; 26  
USC 4253 Internal Revenue Code of  
1986; 26 USC 4254 Internal Revenue  
Code of 1986

**CFR Citation:** 26 CFR 49

**Legal Deadline:** None

**Abstract:** The regulations will provide  
rules with respect to the application of  
the communications excise tax.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/31/92	57 FR 33918
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:**  
Undetermined

**Additional Information:** PS-017-91

Drafting attorney: Bernard Webberman  
(202) 622-3130.

Reviewing attorney: Edward Madden  
(202) 622-3130.

**Agency Contact:** Bernard Webberman,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-3130

RIN: 1545-AP67

### 2928. REVISION AND UPDATE OF AIR TRANSPORTATION TAX REGS

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 4041  
Internal Revenue Code of 1986; 26 USC  
4091 Internal Revenue Code of 1986; 26  
USC 4261 Internal Revenue Code of  
1986; 26 USC 4271 Internal Revenue  
Code of 1986

**CFR Citation:** 26 CFR 48; 26 CFR 49

**Legal Deadline:** None

**Abstract:** The regulations will revise  
rules relating to the tax on the  
transportation of persons by air and  
provide rules for the tax on the  
transportation of property by air, and  
will provide rules relating to fuel taxes.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/93	

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Additional Information:** PS-16-91

Drafting attorney: Tyrone Montague  
(202) 622-3130.

Reviewing attorney: Frank Boland (202)  
622-3130.

**Agency Contact:** Tyrone Montague,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-3130

RIN: 1545-AP68

### 2929. TAX ON PETROLEUM

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 4611  
Internal Revenue Code of 1986; 26 USC  
4612 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 52

**Legal Deadline:** None

**Abstract:** The regulations relate to tax  
on petroleum under section 4611 of the  
Code.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-158-86.

Drafting attorney: Ruth Hoffman (202)  
622-3130.

Reviewing attorney: Jeff Nelson (202)  
622-3130.

Treasury attorney: Heidi Ebel (202) 622-  
1334.

**Agency Contact:** Ruth Hoffman,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111

Constitution Avenue NW., Washington,  
DC 20224, 202 622-3130

RIN: 1545-AJ23

### 2930. CHEMICAL TAX UNDER SECTION 4461 AND IMPORTED SUBSTANCE TAX UNDER SECTION 4671

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 4671  
Internal Revenue Code of 1986; 26 USC  
4661 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 52

**Legal Deadline:** None

**Abstract:** These are proposed  
regulations relating to taxable  
chemicals and taxable imported  
substances.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-71-88

Drafting attorney: Ruth Hoffman (202)  
622-3130.

Reviewing attorney: Jeff Nelson (202)  
622-3130.

Treasury attorney: Heidi Ebel (202) 622-  
1334.

**Agency Contact:** Ruth Hoffman,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-3130

RIN: 1545-AL73

### 2931. ● EXPORTS OF OZONE- DEPLETING CHEMICALS

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC  
4682(d)(3) Internal Revenue Code of  
1986

**CFR Citation:** 26 CFR 52

**Legal Deadline:** None

**Abstract:** Rules relating to exemption  
from tax for exports of ozone- depleting  
chemicals.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None



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**Government Levels Affected:** None  
**Additional Information:** PS-89-91  
 Drafting attorney: Ruth Hoffman (202) 622-3130.  
 Reviewing attorney: Jeff Nelson (202) 622-3130.  
 Treasury attorney: Heidi Ebel (202) 622-1334.  
**Agency Contact:** Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3130  
**RIN:** 1545-AQ23

**2932. EXCISE TAX—PART 54, REVERSION OF QUALIFIED PLAN ASSETS TO EMPLOYER**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986; PL 99-514, Sec 1132  
**CFR Citation:** 26 CFR 54

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance regarding the excise tax on reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-165-86

Tax Law Specialist: Vernon Carter (202) 622-6070.

Reviewing attorney: James L. Brokaw (202) 622-6070.

**Agency Contact:** Vernon S. Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070  
**RIN:** 1545-AI82

**2933. RETURNS AND PAYMENTS OF TAX UNDER FEDERAL INSURANCE CONTRIBUTIONS ACT**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 6011(a)-1(a); 26 CFR 6071(a)-1(a); 26 CFR 6151-1; 26 CFR 6302(b)-1

**Legal Deadline:** None

**Abstract:** These regulations simplify the reporting and requirements for individual employers of domestic workers by reducing the frequency of filing returns that report the tax imposed by Federal Insurance Contributions Act (FICA). Amendments also permit employers paying wages of less than \$10,000 to remit the tax imposed by FICA with the annual return.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-14-92

Drafting attorney: Barbara Walker (202) 622-4940.

Reviewing attorney: Rudolph Planert (202) 622-4940.

Treasury attorney: Anne Alstott (202) 622-0865.

**Agency Contact:** Barbara Walker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940  
**RIN:** 1545-AQ62

**2934. AMENDMENT OF SECTION 1.6033-2 (G) (5) RELATING TO RETURNS BY AN INTEGRATED AUXILIARY OF A CHURCH**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; PL 91-172, Sec 101 (d) (1) Tax Reform Act of 1969

**CFR Citation:** 26 CFR 1.6033-2(g)

**Legal Deadline:** None

**Abstract:** These regulations will revise the definition of integrated auxiliary of a church in Section 1.6033-2 (g) (5) of the Treasury Regulations to be consistent with Rev. Proc. 86-23, 1986-1 CB 564.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-41-86.

Drafting attorney: Terri Harris (202) 622-6070.

Reviewing attorney: Paul Accettura (202) 622-6070.

**Agency Contact:** Terri Harris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6070  
**RIN:** 1545-AI52

**2935. INFORMATION FROM PASSPORT AND IMMIGRATION APPLICANTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6039E Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulation will prescribe the information to be gathered by the State Department and Immigration and Naturalization Service on passport and green card applicants and the penalties to be imposed on such applicants if they do not supply the information.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-978-86

Drafting attorney: Ricardo A. Cadenas (202) 874-1490.

Reviewing attorney: George Sellinger (202) 874-1490.

Treasury attorney: P. Ann Fisher (202) 622-1755.

**Agency Contact:** Ricardo A. Cadenas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South SW., Suite 3319, Washington, DC 20024, 202 874-1490  
**RIN:** 1545-AJ93

**2936. BROKER REPORTING OF OPTION TRANSACTIONS**

**Legal Authority:** 26 USC 6045 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.6045-1(m)

**Legal Deadline:** None



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**Abstract:** The proposed regulation will establish standards for brokers to report options transactions to the Service.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** FI-004-90

Drafting attorney: Jonathan Silver (202) 622-3441.

Reviewing attorney: Thomas Lyden (202) 622-3920.

**Agency Contact:** Jonathan Silver, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3441

**RIN:** 1545-AO40

### 2937. INCOME TAX REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6046A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-879-86

Drafting attorney: Kathryn Horton O'Brien (202) 622-3860.

Reviewing attorney: Charles Besecky (202) 622-3860.

Treasury attorney: Unassigned.

**Agency Contact:** Kathryn Horton O'Brien, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AK75

### 2938. INCOME TAX—TO REQUIRE ISSUERS OF CERTIFICATES OF DEPOSIT TO FURNISH ISSUE PRICE TO BROKERS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposed regulations would amend existing regulations to require issuers to furnish the issue price to brokers.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-63-87

Drafting attorney: Carol P. Nachman (202) 622-3950.

Reviewing attorney: Alice Bennett (202) 622-3950.

**Agency Contact:** Carol P. Nachman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, D. C. 20224, 202 622-3950

**RIN:** 1545-AK36

### 2939. ● INFORMATION REPORTING FOR REIMBURSEMENTS OF INTEREST ON QUALIFIED MORTGAGES

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050H Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 6050H

**Legal Deadline:** None

**Abstract:** The proposed regulations provide that interest recipients must report on Form 1098 any reimbursement of overpayments of interest on a mortgage if the reimbursement relates to interest required to be reported on a Form 1098 by any interest recipient.

**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-33-92

Drafting attorney: Stephen J. Toomey (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Steve Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AQ78

### 2940. IRC SECTION 6051

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6051 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 6051

**Legal Deadline:** None

**Abstract:** Project will modify existing regulations to require employers who terminate their business or otherwise cease operations to file Forms W-2 and W-3 within 30 calendar days after termination.

**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-083-89

Drafting Attorney: John Ricotta (202) 622-6040.

Reviewing Attorney: Jerry Holmes (202) 622-6040.

**Agency Contact:** John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

**RIN:** 1545-AN57

### 2941. ● VOICE SIGNATURES

**Legal Authority:** 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986



## TREAS—IRS

## Proposed Rule Stage

**CFR Citation:** 26 CFR 1.6012-7T; 26 CFR 1.6061-2T; 26 CFR 1.6065-2T

**Legal Deadline:** None

**Abstract:** The regulations will enable the Service to accept a voice signature in lieu of a handwritten signature. This will allow the Service to test the feasibility of voice signatures for one year with certain taxpayers who live in the geographic area of the Cincinnati district office. The regulations also address the effect of a taxpayer using a voice signature.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-15-92

Drafting attorney: Celia Gabrysh (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.

**Agency Contact:** Celia Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AQ68

**2942. AUTOMATIC EXTENSION OF TIME FOR FILING INDIVIDUAL INCOME TAX RETURN**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6081 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.6081-4

**Legal Deadline:** None

**Abstract:** The regulation provides an automatic extension of time for filing an individual income tax return to taxpayers who meet certain criteria.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-067-90

Drafting attorney: Stuart Spielman (202) 622-4940.

Reviewing tax law specialist: Gail Winkler (202) 622-4940.

**Agency Contact:** Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

**RIN:** 1545-AP39

**2943. ● AUTHORITY OF THE FCIC TO REQUIRE EMPLOYER IDENTIFICATION NUMBERS FOR CERTAIN TAXPAYERS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 25 CFR 301.6109-3

**Legal Deadline:** None

**Abstract:** The regulations would provide that the manager of the Federal Crop Insurance Corporation may require each policyholder and each reinsured company to furnish to the insurer or the manager the employer identification number of the policyholder.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-4-92

Drafting attorney: Beverly Baughman (202) 622-4950.

Treasury attorney: Evelyn Elgin (202) 622-1338.

**Agency Contact:** Beverly Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

**RIN:** 1545-AQ49

**2944. AGREEMENTS FOR PAYMENT FOR TAX LIABILITY IN INSTALLMENTS**

**Legal Authority:** 26 USC 6159 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6159

**Legal Deadline:** None

**Abstract:** Prior law did not address the authority of the Internal Revenue Service to enter into installment payment agreements with taxpayers. New code section 6159, as added by the Technical and Miscellaneous Revenue

Act of 1988, authorizes such agreements and specifies the circumstances under which the Service may modify or terminate such an agreement and when the Service must provide prior notice of a determination to modify or terminate an agreement. New regulations implementing section 6159 will be drafted in order to provide taxpayers and the Service specific guidance on the requirements and responsibilities imposed by this provision.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-708-88

Drafting attorney: Kevin B. Connelly (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

**Agency Contact:** Kevin B. Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

**RIN:** 1545-AM66

**2945. MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6222 Internal Revenue Code of 1986; 26 USC 6223 Internal Revenue Code of 1986; 26 USC 6224 Internal Revenue Code of 1986; 26 USC 6227 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6231 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.



## TREAS—IRS

## Proposed Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 13231
NPRM Comment Period End	06/17/86	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-205-82.

Drafting attorney: Lindsay Russell (202) 622-3050.

Reviewing attorney: Dianna Miosi (202) 622-3050.

Treasury attorney: S. Barksdale Penick (202) 622-3050.

**Agency Contact:** Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3050

**RIN:** 1545-AE51

#### 2946. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6242 Internal Revenue Code of 1986; 26 USC 6243 Internal Revenue Code of 1986; 26 USC 6244 Internal Revenue Code of 1986; 26 USC 6233 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301; 26 CFR 51

**Legal Deadline:** None

**Abstract:** Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-269-82.

Drafting Attorney: Noah Baer (202) 622-3050.

Reviewing Attorney: Dianna K. Miosi (202) 622-3050.

Treasury Attorney: Barksdale Penick (202) 622-1335.

**Agency Contact:** Noah Baer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3050

**RIN:** 1545-AE96

#### 2947. RAILROAD UNEMPLOYMENT REPAYMENT TAX

**Legal Authority:** 26 USC 6302 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 31

**Legal Deadline:** None

**Abstract:** The new regulations will restore the authority of the Service to require quarterly payments of the Railroad Unemployment Repayment Tax. The authority was inadvertently eliminated under section 7106 of TAMRA.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-079-89

Drafting Attorney: Thomas Wolf (202) 622-6070.

Reviewing Attorney: Phil Corn (202) 622-6050.

**Agency Contact:** Thomas Wolf, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

**RIN:** 1545-AN40

#### 2948. DEPOSIT OF TAX WITHHELD FROM NON-RESIDENT ALIENS AND OTHERS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.6302

**Legal Deadline:** None

**Abstract:** This notice of proposed rulemaking revises and updates regulations setting forth deposit requirement for income tax withheld at source from nonresident aliens and foreign corporations.

## Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-19-91

Drafting attorney: Vincent Surabian (202) 622-4940.

Reviewing attorney: Norlyn Miller (202) 622-4940.

**Agency Contact:** Vincent Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

**RIN:** 1545-AP92

#### 2949. PROCEDURE AND ADMINISTRATION REGULATIONS—PAYMENT OF TAXES BY CHECK OR MONEY ORDER AND LIABILITY OF FINANCIAL INSTITUTIONS FOR UNPAID TAXES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6311 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations will describe the circumstances under which taxpayers may pay taxes by check, money order or other guaranteed draft and the circumstances under which financial institutions on which such instruments are drawn may be liable for unpaid taxes.

## Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-549-87.

Drafting attorney: Jerome D. Sekula (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

**Agency Contact:** Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution



## TREAS--IRS

## Proposed Rule Stage

Avenue NW., Washington, DC 20224,  
202 622-3640

RIN: 1545-AI24

### 2950. NOTICE OF LIEN ON PERSONAL PROPERTY

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6323 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.6323(f)(1)(ii) (Revision); 26 CFR 1.6323(f)(5)

**Legal Deadline:** None

**Abstract:** The purpose of these regulations is to solve the problem that arose in the case of *United States v. Air Florida, Inc.* 56 B.R. 732 (S.D. Fla. 1985). The regulations will provide that if a State has adopted a Federal law establishing a place for the filing of liens under a national filing system, the State is not considered to have a second office for filing of the notice of lien. The regulations will also provide that the filing of a notice of Federal tax lien is governed solely by the Internal Revenue Code and is not subject to any other Federal law establishing a national filing system.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-719-88

Drafting attorney: Susan B. Watson (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

**Agency Contact:** Susan B. Watson, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AM64

### 2951. PROCEDURE AND ADMINISTRATION—RELEASE OF LIENS, NOTICE BEFORE LEVY, PROPERTY EXEMPT FROM LEVY REDEMPTION OF LEVIED REAL PROPERTY AND AMOUNT OF DAMAGES IN CASE OF WRONGFUL LEVY

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6325 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien. The regulation will revise existing regulations relating to the size of the exemption from levy available for certain property. The proposed regulation also increases the length of post-sale redemption period currently specified in the regulations. The proposed regulations provide rules for service employees administering the Code for providing notice of intention to levy upon the property of a delinquent taxpayer. The proposed regulations increase the amount of damages allowed where property has been levied wrongfully.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-547-87.

Drafting attorney: Kevin B. Connelly (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

**Agency Contact:** Kevin B. Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AE82

### 2952. REQUIREMENT FOR GUARANTEED REMITTANCE TO REDEEM PROPERTY

**Legal Authority:** 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6337

**Legal Deadline:** None

**Abstract:** To resolve any uncertainty as to how payments to redeem real property sold by the Internal Revenue Service after levy must be made. The present regulations do not state the form in which the redemption price is to be paid. Thus, controversy exists as to whether personal checks or other non-guaranteed forms of payment would be sufficient to constitute tender.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-425-89

Drafting attorney: Susan Watson (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

**Agency Contact:** Susan Watson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AN44

### 2953. SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS DURING PROCEEDING TO ENFORCE DESIGNATED SUMMONS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6503 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6503

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance to taxpayers with regard to the changes made to section 6503 by the Omnibus Budget Reconciliation Act of 1990. Under those changes, the period of limitations for assessment with respect to a corporation is suspended when a court proceeding is instituted to enforce or quash a



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## Proposed Rule Stage

designated summons or related summons issued within 30 days of the issuance of the designated summons.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** GL-804-90

Drafting attorney: Jerome D. Sekula (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

**Agency Contact:** Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

**RIN:** 1545-AQ01

**2954. CLARIFICATION OF PERIOD DURING WHICH INTEREST IS ALLOWED WITH RESPECT TO CERTAIN OVERPAYMENTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** Under section 6611(b)(1), if an overpayment is credited against an underpayment, interest on the overpayment runs from the date of the overpayment until the due date of the amount against which the credit is taken. Section 301.6611-1(h)(2)(v) of the regulations provides that in the case of a credit against assessed interest, the due date is the assessment of such interest. Section 301.6611-1(h)(2)(vi) of the regulations provides that in the case of a credit against an amount assessed as an additional amount, addition to the tax or assessable penalty, the due date is the date of assessment. A literal application of these regulations' provisions may give a taxpayer interest where none should be paid. The proposed regulations correct this problem by changing the due dates of interest and certain additions to the tax.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-055-90

Drafting attorney: Forest Boone (202) 622-4960.

Reviewing attorney: Norlyn Miller (202) 622-4940.

**Agency Contact:** Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AO79

**2955. DIFFERENTIAL INTEREST RATES AND EXPANDED CREDITING OF OVERPAYMENTS AGAINST UNDERPAYMENTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301; 26 CFR 602

**Legal Deadline:** None

**Abstract:** The regulations will explain the computation of interest on underpayments and overpayments of tax, including the extent to which underpayments and overpayments will be offset in computing interest.

**Timetable:**

Action	Date	FR Cite
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NPRM 00/00/00

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-123-88

Drafting attorney: Forest Boone (202) 622-4960.

Reviewing attorney: Karin Gross (202) 622-4930.

**Agency Contact:** Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AK06

**2956. TO AMEND REGULATIONS UNDER SECTION 6655 TO PROVIDE SPECIAL RULE FOR ANNUALIZATION EXCEPTION TO ESTIMATED TAX PENALTY APPLICABLE TO FOREIGN SALES CORPORATIONS**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide rules for FSC and its related supplier using annualization exception to determine estimated tax payments.

**Timetable:**

Action	Date	FR Cite
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NPRM 10/00/92

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-24-92

Drafting attorney: Rochelle Pickard (202) 622-4910.

Reviewing attorney: John Coulter (202) 622-4910.

Treasury attorney: J. Paul Whitehead (202) 622-0868.

**Agency Contact:** Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AQ63

**2957. FAILURE TO MAKE A DEPOSIT OF TAXES**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6656 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6656

**Legal Deadline:** None

**Abstract:** Proposal will provide rules for application of the four-tiered failure-to-deposit penalty imposed by section 6656 of the Internal Revenue Code. The proposal will also deal with the manner in which a taxpayer's account will be credited for deposits being made in light of the time-sensitive nature of the penalty.



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Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-027-90

Drafting attorney: Vincent Surabian (202) 622-4940.

Reviewing attorney: Norlyn Miller (202) 622-4940.

Treasury attorney: Unassigned

**Agency Contact:** Vincent Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AO87

**2958. USE OF FACSIMILE SIGNATURES BY INCOME TAX RETURN PREPARERS OF FORMS 1041, U.S. FIDUCIARY INCOME TAX RETURNS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6695 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.6695-1 (b)

**Legal Deadline:** None

**Abstract:** Section 1.6695-1 (b) currently requires that, with one exception, income tax return preparers must manually sign returns or claims for refund signed by them. The exception does allow preparers of returns and refund claims for nonresident aliens to use facsimile signatures under certain circumstances. Section 645 (a) of the Internal Revenue Code, added by section 1403 (a) of the Tax Reform Act of 1986, requires trusts, with certain limited exceptions, to use a calendar taxable year. The calendar year requirement means that, instead of being able to spread their duty to sign trust returns over the entire course of a year, preparers must now sign all trust returns before April 15 in order to present them to clients for timely filing. To alleviate this hardship, we are examining the advisability of permitting income tax return preparers of Forms 1041, U.S. Fiduciary Income Tax Returns, to use facsimile signatures and under what conditions such use would be permitted and appropriate.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-238-88

Drafting attorney: Susan Watson (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

**Agency Contact:** Susan Watson, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AL49

**2959. INCOME TAX—PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6867 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.6867

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at the highest rate of tax specified in section 1, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6881.

**Timetable:**

Action	Date	FR Cite

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-548-87.

Drafting attorney: Jerome D. Sekula (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

**Agency Contact:** Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave.

NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AE30

**2960. POLITICAL ACTIVITY INJUNCTION**

**Legal Authority:** 26 USC 7409 Internal Revenue Code of 1986 as amended; 26 USC 6852 Internal Revenue Code of 1986 as amended

**CFR Citation:** 26 CFR 1.6852; 26 CFR 53.6852; 26 CFR 56.6852; 26 CFR 301.6852; 26 CFR 301.7409

**Legal Deadline:** None

**Abstract:** The regulation will provide the procedures necessary to enjoin and/or make termination assessments in the case of a flagrant political expenditure by a section 501(c)(3) organization.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** EE-48-90

Drafting Attorney: Cynthia Morton (202) 622-6070.

Reviewing Attorney: Paul Accettura (202) 622-6070.

**Agency Contact:** Cynthia Morton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AO77

**2961. FORFEITURE OF LAND SALES CONTRACT WITH RESPECT TO DISCHARGE OF FEDERAL TAX LIEN**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.7425

**Legal Deadline:** None

**Abstract:** The regulation will address the issue of when a land sales contract is considered to be forfeited for Federal tax purposes. It may be necessary, in so doing, to provide a definition or other guidelines as to what constitutes a land sales contract for purposes of this provision.



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## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** GL-550-87

Drafting attorney: Kevin Connelly (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

**Agency Contact:** Kevin Connelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AK24

### 2962. REDEMPTIONS OF REAL PROPERTY UNDER IRC 7425 - EXCESS EXPENSES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7425 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301**Legal Deadline:** None

**Abstract:** Section 301.7425-4(b)(3)(ii), which deals with excess expenses incurred by a purchaser of property after a foreclosure sale and before redemption, provides that the Service may request a written itemized statement from the purchaser regarding excess expenses. If the purchaser does not respond within 15 days, it shall be presumed that no excess expenses are payable. However, even after the 15-day period expires, a payment for excess expenses shall be made after the redemption within a reasonable time following the verification by the district director of a written itemized statement submitted by the purchaser. There is no specific time frame set for the purchaser to submit his claim after the redemption and after the expiration of the 15-day period. We are examining the feasibility of establishing a 30-day time limit within which a final claim for excess expenses must be submitted by the purchaser after the sale of the property. This will eliminate claims for reimbursement of expenses that may be submitted after redemption and sale of the property, where the liens were fully satisfied and released, and all surplus funds returned to the taxpayer.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** GL-520-87

Drafting attorney: Barton J. Uze (202) 622-3620.

Reviewing attorney: Robert A. Miller (202) 622-3640.

**Agency Contact:** Barton J. Uze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3620

RIN: 1545-AL20

### 2963. WRONGFUL LEVY ACTIONS INVOLVING GOVERNMENT AGENCIES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301**Legal Deadline:** None

**Abstract:** The existing language of the regulations under IRC section 7426 is ambiguous and confusing. It has been used in at least one court case as support for the proposition that whenever the Service attempts to seize property of a delinquent taxpayer that is in the custody of a Government agency, regardless of the form of the seizure (i.e., service of a Notice of Levy or of a Request for Setoff), such a seizure is always a setoff, and any third party injured by such a seizure has no cause of action under IRC section 7426. This is not the Service's position. The regulations should be clarified to rectify this misinterpretation.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** GL-0351-90

Drafting attorney: Jerome D. Sekula (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

**Agency Contact:** Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AO60

### 2964. ESTATE AND GIFT TAX VALUATION TABLES

**Legal Authority:** 26 USC 7520 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.7520; 26 CFR 1.642 (Revision); 26 CFR 1.684 (Revision); 26 CFR 20.2031 (Revision); 26 CFR 25.2512 (Revision)

**Legal Deadline:** None

**Abstract:** Section 7520 of the Internal Revenue Code, as added by section 5031 of the Technical and Miscellaneous Revenue Act of 1988, requires that the value of any annuity, any interest for life or a term of years, and any remainder or reversionary interest be determined under valuation tables, revised periodically and the applicable Federal interest rate for the month of the valuation of the interest. The regulations will address the use of the tables, which will be published separately, and will contain rules for making an election where charitable transfers are involved. It will also include rules for rounding the applicable interest rates. In addition, the regulations will modify the current regulations for gift, estate, and charitable transfers of annuity trusts, and unitrusts and pooled income funds.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** PS-100-88

Drafting attorney: William L. Blodgett (202) 622-3090.

Reviewing attorney: Lee Dunn (202) 622-3090.

Treasury attorney: Judy Dunn (202) 622-0871.

**Agency Contact:** William L. Blodgett, Attorney, Department of the Treasury, Internal Revenue Service, 1111



TREAS—IRS

Proposed Rule Stage

Constitution Avenue NW., Washington,  
DC 20224, 202 622-3090

RIN: 1545-AM81

### 2965. EXTENSION OF STATUTE OF LIMITATIONS IN JOHN DOE SUMMONS DISPUTES

**Legal Authority:** 26 USC 7609 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.7609

**Legal Deadline:** None

**Abstract:** Under the Tax Reform Act of 1986, statutes of limitations are suspended in certain cases in which there is no resolution of a third-party recordkeeper's response to a summons. Section 7609(e)(2) was amended by the Technical and Miscellaneous Revenue Act of 1988 so that the suspension applies to all John Doe summonses, whether or not the summoned party is a third-party recordkeeper as defined in IRC section 7609(a)(3). The new regulations will make changes to 26 CFR 301.7609 to conform with the 1986 and 1988 amendments.

#### Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-723-88

Drafting attorney: Jerome D. Sekula (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

**Agency Contact:** Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AM67

### 2966. COORDINATION OF U.S. AND CERTAIN POSSESSION INCOME TAXES (TEMP)

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7654 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations relate to section 7654 of the Internal Revenue Code of 1986 which generally provides

that net income tax collections from individuals described in sections 931 or 932(c), plus earned income of Federal personnel while bona fide residents of specified possessions, must be covered into the Treasury of the specified possession of which such individuals are bona fide residents.

#### Timetable:

Action	Date	FR Cite
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Temporary Regulation	00/00/00	
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**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-971-86

Drafting Attorney: Ricardo A. Cadenas (202) 874-1490.

Reviewing Attorney: George Sellinger (202) 874-1490.

Treasury Attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Ricardo A. Cadenas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South SW., Suite 3319, Washington, DC 20024, 202 874-1490

RIN: 1545-AP85

### 2967. TAXABLE MORTGAGE POOLS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701(i) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.7701

**Legal Deadline:** None

**Abstract:** This regulation will provide rules related to taxable mortgage pools.

#### Timetable:

Action	Date	FR Cite
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NPRM	12/00/92	
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**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional information:** FI-055-91

Drafting attorney: Susan E. Overlander (202) 622-3960.

Reviewing attorney: Marshall Feiring (202) 622-3960.

**Agency Contact:** Susan E. Overlander, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 290224, 202 622-3960

RIN: 1545-AP98

### 2968. DEFINITION OF LIFE INSURANCE CONTRACT

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The regulation will provide rules to define a life insurance contract.

#### Timetable:

Action	Date	FR Cite
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NPRM	12/00/93	
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**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-107-87

Drafting Attorney: Ann H. Logan (202) 622-3970.

Reviewing Attorney: Stephen D. Hooe (202) 622-3970.

**Agency Contact:** Ann H. Logan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3970

RIN: 1545-AL08

### 2969. ● TREATMENT OF ACCELERATED DEATH BENEFITS UNDER SECTION 7702 OF THE CODE

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide the rules regarding the treatment of accelerated death benefits under section 7702 of the Code.

#### Timetable:

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-26-92

Drafting attorney: Katherine A. Hossofsky (202) 622-3477.

Reviewing attorney: Stephen A. Hooe (202) 622-3970.

**Agency Contact:** Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service,



## TREAS—IRS

## Proposed Rule Stage

1111 Constitution Ave. NW.,  
Washington, DC 20224, 202 622-3477

RIN: 1545-AQ71

**2970. CERTAIN PUBLICLY TRADED PARTNERSHIPS TREATED AS CORPORATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301; 26 CFR 1.704-1T

**Legal Deadline:** None

**Abstract:** The regulations provide rules relating to the classification of publicly traded partnerships.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-13-88

**Drafting Attorney:** Ann Veninga (202) 622-3080.

**Reviewing Attorney:** William P. O'Shea (202) 622-3050.

**Treasury Attorney:** Barksdale Penick (202) 622-1335.

**Agency Contact:** Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AL57

**2971. ● CIRCULAR 230 REVISIONS**

**Significance:** Agency Priority

**Legal Authority:** 31 USC 330

**CFR Citation:** 31 CFR 10

**Legal Deadline:** None

**Abstract:** Amendments to the regulations governing practice before the Internal Revenue Service. Areas to be addressed include standards for preparation of Federal tax returns, fees

limited practice, expedited suspension from eligibility to practice, for cause, and dual enrollment and professional licensing.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-20-92

**Drafting attorney:** David L. Meyer (202) 622-4940.

**Reviewing attorney:** George Baker (202) 622-4920.

**Treasury attorney:** Eve Elgin (202) 622-1338.

**Agency Contact:** David Meyer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AQ57

## DEPARTMENT OF THE TREASURY (TREAS)

## Final Rule Stage

## Internal Revenue Service (IRS)

**2972. TO PROVIDE REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.25-1T to 1.25-8T; 26 CFR 1.6709-1

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance on the issuance of mortgage credit certificates rules. Guidance will be provided with respect to the various eligibility requirements that mortgagors must satisfy as well as the various program requirements that issuers must satisfy.

**Timetable:**

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19383
NPRM Comment Period End	07/08/85	50 FR 19383
Hearing	08/14/85	
Final Action	00/00/00	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:** FI-245-84.

**Drafting attorney:** Harold N. Diamond (202) 622-3980.

**Agency Contact:** Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AH06

**2973. INCOME TAX—INFORMATION REPORTING FOR MORTGAGE CREDIT CERTIFICATES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.25-1T to 1.25-8T

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance to issuers of mortgage credit certificates relating to the information to be collected with respect to each recipient of a mortgage credit certificate. The regulations will also

provide guidance regarding the time and manner of filing this information with the Internal Revenue Service.

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35572
NPRM Comment Period End	11/04/85	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Additional Information:** FI-114-85.

**Drafting attorney:** Harold N. Diamond (202) 622-3980.

**Reviewing attorney:** Lon B. Smith (202) 622-3980.

**Agency Contact:** Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AI39



TREAS—IRS

Final Rule Stage

**2974. MORTGAGE CREDIT CERTIFICATES IN TARGETED AREAS**

**Legal Authority:** 26 USC 25(c) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.25-4T(g)(2)

**Legal Deadline:** None

**Abstract:** The percentage of mortgage originations required by section 1.25-4T(g) (8 percent) was predicated on the 1:5 trade-in rate contained in former section 25(c) of the Code. To accommodate the new 1:4 rate contained in section 25(c), we are amending section 1.25-4T(g).

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:** FI-068-89

**Drafting Attorney:** Harold Diamond (202) 566-3980.

**Agency Contact:** Harold Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AN93

**2975. LOW-INCOME HOUSING CREDIT ALLOCATION RULES AND INFORMATION REPORTING REQUIREMENTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations provide low-income housing credit allocation and reporting rules.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23471
NPRM Comment Period End	08/21/87	52 FR 23471
Hearing	11/09/87	
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-83-86

**Drafting attorney:** Paul F. Handleman (202) 622-3040.

**Reviewing attorney:** James F. Ranson (202) 622-3040.

**Treasury attorney:** Heidi Ebel (202) 622-1334.

**Agency Contact:** Paul Handleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3040

**RIN:** 1545-AJ65

**2976. SPECIAL RULES TO AVOID SUBSTANTIAL DISTORTION FOR RECOVERY OF BASIS ON A CONTINGENT SALE**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 453

**Legal Deadline:** None

**Abstract:** Regulations will clarify that the Internal Revenue Service may require an alternative method of basis recovery in the event that the general rules of section 15a.453-(1)(c) substantially and inappropriately defer recovery of basis.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-071-90

**Drafting attorney:** James A. Orefice (202) 622-4910.

**Reviewing attorney:** Mike Montemurro (202) 622-4910.

**Agency Contact:** James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AP41

**2977. ● PROCEDURE FOR MONITORING COMPLIANCE WITH LOW-INCOME HOUSING CREDIT REQUIREMENTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations provide a procedure for state and local housing credit agencies to monitor for compliance with the requirements of section 42 of the Internal Revenue Code of 1986 and report any noncompliance to the Internal Revenue Service.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/91	56 FR 67018
NPRM Comment Period End	02/25/92	56 FR 67018
Hearing	03/04/92	57 FR 67023
Final Action	10/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State

**Additional Information:** PS-78-91

**Drafting attorney:** Paul F. Handleman (202) 622-3040.

**Reviewing attorney:** Donna M. Young (202) 622-3040.

**Treasury attorney:** Heidi Ebel (202) 622-1334.

**Agency Contact:** Paul Handleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3040

**RIN:** 1545-AQ07

**2978. CREDIT FOR COSTS RELATED TO ENHANCED OIL RECOVERY PROJECTS**

**Significance:** Agency Priority

**Legal Authority:** PL 101-508 Revenue Reconciliation Act of 1990

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will determine when a credit is allowed for costs paid or incurred in connection with an enhanced oil recovery project, including which costs are included, the credit base, and the methods that qualify as qualified tertiary recovery methods.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/91	56 FR 67256
Hearing	04/07/92	58 FR 67256
Final Action	00/00/00	



## TREAS—IRS

## Final Rule Stage

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-101-90

Drafting attorney: Brenda Stewart (202) 622-3120.

Reviewing attorney: Joseph Makurath (202) 622-3120.

Treasury attorney: Barksdale Penick (202) 622-1335.

**Agency Contact:** Brenda Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3120

**RIN:** 1545-AP64

### 2979. ● CERTIFICATION OF ENHANCED OIL RECOVERY PROJECTS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 43(c)(2)(B) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.43-3T

**Legal Deadline:** None

**Abstract:** The proposed regulations provide procedures whereby an operator or designated owner of an enhanced oil recovery project certifies to the Internal Revenue Service that the project satisfies the requirements of section 43(c) of the Internal Revenue Code.

#### Timetable:

Action	Date	FR Cite
NPRM	12/30/91	56 FR 67255
Hearing	04/07/92	56 FR 67255

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-97-91

Drafting attorney: Brenda M. Stewart (202) 622-3120.

Reviewing attorney: Joseph H. Makurath (202) 622-3120.

Treasury attorney: Barksdale Penick (202) 566-1335.

**Agency Contact:** Brenda M. Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave. NW., Washington, DC 20224, 202 622-3120

**RIN:** 1545-AQ22

### 2980. INCOME TAX—SPECIAL RULES ADDED BY SEC 223(C) OF CRUDE OIL WINDFALL PROFIT TAX ACT 1980, RELATING TO REDUCTION OF CREDIT WHERE PROPERTY IS FINANCED BY SUBSIDIZED, ETC

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 (l) Internal Revenue Code of 1986; PL 96-223, Sec 223 (c)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide that subsidized energy financing and proceeds of exempt industrial development bonds used to finance a facility reduce the qualified investment in the energy property contained in that facility for purposes of determining the amount of the energy tax credit.

#### Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03559
NPRM Comment Period End	03/20/82	47 FR 03559
Hearing	06/03/82	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-176-80.

Drafting attorney: Winston H. Douglas (202) 622-3110.

Reviewing attorney: Susan Reaman (202) 622-3110.

**Agency Contact:** Winston H. Douglas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3110

**RIN:** 1545-AA26

### 2981. INCOME TAX—INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides guidance with respect to inventory

adjustment for the alternative minimum tax.

#### Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-84-87

Drafting Attorney: Edward C. Schwartz (202) 622-4960.

Reviewing Attorney: William Jackson (202) 622-4960.

Treasury Attorney: John Parcell (202) 622-2578.

**Agency Contact:** Edward C. Schwartz, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AL03

### 2982. ADJUSTED CURRENT EARNINGS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 56(g) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 1.56

**Legal Deadline:** None

**Abstract:** The proposed regulations relate to the alternative minimum tax for corporations. The Tax Reform Act of 1986, the Technical and Miscellaneous Revenue Act of 1988, the Revenue Reconciliation Acts of 1989, and 1990, all made changes to the applicable law. These regulations affect corporate taxpayers and provide them with guidance necessary to determine their alternative minimum tax.

#### Timetable:

Action	Date	FR Cite
NPRM	03/15/91	56 FR 11122
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-14-91

Drafting attorney: Nick Bogos (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.



## TREAS—IRS

Final Rule Stage

**Agency Contact:** Nick Bogos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AP58

**2983. APPLICATION OF SECTION 58(H) OF THE 1954 CODE TO SITUATIONS INVOLVING NOL CARRYBACKS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1954; 26 USC 58(h) Internal Revenue Code of 1954

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Legal Deadline:** None

**Abstract:** This regulation will give guidance on how to apply the special 58(h) tax benefit rule when a taxpayer receives no tax benefit from items of tax preference because of net operating losses.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-060-89

Drafting attorney: Kelly Richardson Berg (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.

**Agency Contact:** Kelly Richardson Berg, Tax Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AO36

**2984. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 (c) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance regarding the miscellaneous itemized deductions that are subject to the 2-percent floor and provide expense allocation rules for regulated investment companies and REMICs.

**Timetable:**

Action	Date	FR Cite
NPRM	03/28/88	53 FR 9951
Final Action	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-97-86.

Drafting attorney: Beverly A. Baughman (202) 622-4940.

Reviewing attorney: George B. Baker (202) 622-4920.

Treasury attorney: J. Judge Kelley (202) 622-1339.

**Agency Contact:** Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

**RIN:** 1545-AJ49

**2985. NOTICE OF ALLOCATION OF ALLOCABLE INVESTMENT EXPENSE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This proposed regulation would provide that issuers of single-class REMICs furnish notice to interest holders in the manner generally provided for REMICs in section 1.6049-7 of the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/91	56 FR 49524
Hearing	12/05/91	56 FR 49526
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-61-91

Drafting attorney: James W.C. Canup (202) 622-3920.

Reviewing attorney: Tom Lyden (202) 622-3920.

Treasury attorney: P. Val Strehlow (202) 622-0869.

**Agency Contact:** James W.C. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3950

**RIN:** 1545-AP97

**2986. TREATMENT OF TRANSFER OF PROPERTY BETWEEN SPOUSES, TAX TREATMENT OF ALIMONY AND SEPARATE MAINTENANCE PAYMENTS, AND DEPENDENCY EXEMPTION IN THE CASE OF CHILD OF DIVORCED PARENTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 71 Internal Revenue Code of 1986; 26 USC 215 Internal Revenue Code of 1986; 26 USC 1041 Internal Revenue Code of 1986; 26 USC 152 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance to assist taxpayers in determining whether alimony and separate maintenance payments are deductible from income by the payor and includible in income by the payee, whether property transferred between spouses or between spouses incident to divorce has a carryover basis and whether the custodial or noncustodial parent is entitled to the dependency exemption.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34528
NPRM Comment	10/20/84	49 FR 34528
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-153-84.

Drafting Attorney: Edward C. Schwartz (202) 622-4960.

Reviewing Attorney: Stephen J. Toomey (202) 622-4960.

**Agency Contact:** Edward C. Schwartz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AI49

**2987. NONDISCRIMINATION RULES FOR NON-PENSION EMPLOYEE BENEFIT PLANS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 89 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None



## TREAS—IRS

## Final Rule Stage

**Abstract:** These regulations will provide the following: an explanation of the eligibility, benefits and alternative tests contained in section 89; an explanation as to which plans are subject to section 89 requirements; and rules concerning how the requirements will be applied in actual operation. Also, these regulations will provide additional guidance for cafeteria plans under section 125.

**Timetable:**

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9460
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Additional Information:** EE-174-86

Drafting attorney: Munroe/Zech (202) 622-6080.

Reviewing attorney: Nancy Marks (202) 622-6000.

**Agency Contact:** David Munroe/Felix Zech, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AI78

### 2988. INCOME TAX—EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 (e) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation would provide guidance to determine the rules under which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 142 (e) of the Internal Revenue Code of 1986.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33283
NPRM Comment	10/22/84	49 FR 33283
Period End		
Hearing	01/30/85	49 FR 45449

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-190-78.

Drafting attorney: L. Michael Wachtel (202) 622-3980.

Reviewing attorney: Lon Smith (202) 622-3980.

Office of Tax Legislative Counsel reviewing attorney: David Walton (202) 622-1354.

**Agency Contact:** L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AA49

### 2989. INCOME TAX—TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (a) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation.

**Timetable:**

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6274
NPRM Comment	04/22/86	51 FR 6274
Period End		
Hearing	06/04/86	51 FR 6273

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-59-74.

Drafting attorney: Dave White (202) 622-3980.

Treasury attorney: David Walton (202) 622-1354.

**Agency Contact:** David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AA58

### 2990. INCOME TAX—MORTGAGE SUBSIDY BONDS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide rules which interpret the provisions of section 103A, relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences.

**Timetable:**

Action	Date	FR Cite
NPRM - Previous	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment	01/09/82	46 FR 55513
Period End		

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-10-81.

Drafting attorney: Suzanne Reynolds (202) 622-3980.

**Agency Contact:** Suzanne Reynolds, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AA63

### 2991. TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (a) Internal Revenue Code of 1986; 26 USC 163 (f) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The rules will provide that certain debt obligations issued after December 31, 1982, must be in registered form. The rules will provide examples of certain obligations that are not subject to the registration



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requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction, loss of capital gains treatment, loss of an earnings and profits adjustment, and loss of tax-exempt interest status.

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51414
NPRM Comment Period End	01/14/83	47 FR 51414
Hearing	01/25/83	47 FR 51414
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Additional Information:** FI-255-82.

Drafting attorney: Dianne O. Umberger (202) 622-3960.

Reviewing attorney: Alice Bennett (202) 622-3950.

**Agency Contact:** Dianne O. Umberger, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3960

**RIN:** 1545-AE18

**2992. TO PROVIDE REGULATIONS UNDER SECTION 103(K) AND (L)—RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved--failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/11/83	48 FR 21166
NPRM Comment Period End	07/11/83	48 FR 21166
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-221-82.

Drafting attorney: Suzanne Reynolds (202) 622-3980.

Reviewing attorney: Lon B. Smith (202) 622-3980.

**Agency Contact:** Suzanne Reynolds, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AE24

**2993. REGULATIONS RELATING TO \$40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144(a)(10) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations would provide guidance regarding the circumstances under which a bond is not treated as a qualified small issue bond if any test period beneficiary of the bond has more than \$40 million of tax-exempt financing. These regulations would also provide guidance regarding how the proceeds of an issue of industrial development bonds are to be allocated among its beneficiaries.

**Timetable:**

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6270
NPRM Comment Period End	04/22/86	51 FR 6270
Hearing	06/04/86	51 FR 6273

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-157-84.

Drafting attorney: Dave White (202) 622-3980.

Treasury attorney: David Walton (202) 622-1354.

**Agency Contact:** David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AH19

**2994. TO PROVIDE REGULATIONS RELATING TO THE TAX EXEMPTION OF OBLIGATIONS TO FINANCE MIXED-USE RESIDENTIAL RENTAL PROPERTY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.103-8

**Legal Deadline:** None

**Abstract:** The regulations will clarify the rule relating to obligations to provide residential rented property. The regulations will make clear that a residential rental project can consist in part of non-residential rental property.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/85	50 FR 46303
NPRM Comment Period End	01/06/86	
Hearing	02/10/86	51 FR 1392

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-269-84.

Drafting attorney: L. Michael Wachtel (202) 622-3980.

Reviewing attorney: Lon Smith (202) 622-3980.

**Agency Contact:** L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AH68

**2995. PROPOSED REGULATIONS UNDER SECTION 108; DISCHARGE OF INDEBTEDNESS**

**Legal Authority:** 26 USC 108 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None



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**Abstract:** The regulations provide rules for determining whether stock is nominal or token.

**Timetable:**

Action	Date	FR Cite
NPRM	12/07/90	55 FR 50568
NPRM Comment Period End	02/04/91	55 FR 50568
Hearing	03/08/91	55 FR 53005
Final Action	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Additional Information:** CO-076-90

Drafting Attorney: Lori Brown (202) 622-7750.

Reviewing Attorney: Nelson Crouch (202) 622-7740.

Treasury Attorney: Larry Garrett (202) 622-1778.

**Agency Contact:** Lori Brown, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

**RIN:** 1545-AP19

**2996. ● CONSOLIDATED ATTRIBUTE REDUCTION UNDER SECTION 108(B)**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The attribute reduction required by section 108(b) only applies on a single entity basis. This regulation sets forth rules for the reduction of attributes under section 108(b) on a consolidated basis.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** IA-72-91

Drafting attorney: Amy Sargent (202) 622-4930.

Reviewing attorney: Mark Schneider (202) 622-4890.

**Agency Contact:** Amy Sargent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4930

**RIN:** 1545-AQ84

**2997. INCOME FROM DISCHARGE OF INDEBTEDNESS—ACQUISITION OF INDEBTEDNESS BY PERSON RELATED TO THE DEBTOR**

**Legal Authority:** 26 USC 108(e)(4) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The Treasury decision will add final regulations under section 1.108-2 to implement section 108(e)(4) of the Internal Revenue Code. New section 1.108-2 will provide that the acquisition of outstanding indebtedness by a person related to the debtor from a person who is not related to the debtor results in the realization by the debtor of income from discharge of indebtedness (to the extent required by section 61(a)(12) and section 108). The final regulations will provide guidance on the timing of the income, the amount of the income, and the characterization of any subsequent transactions between the related persons with respect to the acquired indebtedness.

**Timetable:**

Action	Date	FR Cite
NPRM	03/22/91	56 FR 12135
Hearing	06/03/91	56 FR 12141
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** CO-90-90

Drafting attorney: Victor L. Penico (202) 622-7750.

Reviewing attorney: William Alexander (202) 622-7550.

**Agency Contact:** Victor L. Penico, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

**RIN:** 1545-AP28

**2998. COMBAT ZONE COMPENSATION OF MEMBERS OF THE ARMED FORCES**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 112 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.112-1

**Legal Deadline:** None

**Abstract:** Regulations are an update of regulations on combat zone compensation excludable from gross income under section 112. The regulations provide guidance to armed forces payroll centers and to service members for determining the conditions for the exclusion and the amount excludable.

**Timetable:**

Action	Date	FR Cite
NPRM	03/11/91	56 FR 10211
NPRM Comment Period End	05/10/91	56 FR 10211
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** EE-4-91

Drafting attorney: Gregory J. Stull (202) 622-6040.

Reviewing attorney: Mary Oppenheimer (202) 622-6010.

Treasury attorney: Jim Miller (202) 622-1768.

**Agency Contact:** Gregory J. Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6040

**RIN:** 1545-AP53

**2999. EXCLUSION OF QUALIFIED SCHOLARSHIPS AND FELLOWSHIPS FROM GROSS INCOME**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Regulations will provide rules relating to the exclusion of certain amounts received as a qualified scholarship. Regulations will also provide rules relating to withholding from certain payments and return of information requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21688
Final Action	00/00/00	



**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Additional Information:** IA-3-87

**Drafting Attorney:** Kelly Richardson Berg (202) 622-4960.  
**Reviewing Attorney:** William Jackson (202) 622-4960.

**Agency Contact:** Kelly Richardson Berg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AJ87

**3000. INCOME TAX—TAX TREATMENT OF CAFETERIA PLANS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits which include statutory nontaxable benefits and cash.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50733
NPRM Comment Period End	01/30/85	
Hearing	03/11/85	
NPRM	03/07/89	54 FR 9500
Final Action	00/00/00	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Additional Information:** EE-16-79.

**Drafting attorney:** Felix Zech (202) 622-6080.

**Reviewing attorney:** Harry Beker (202) 622-6080.

**Office of Tax Legislative Counsel (Treasury) reviewing attorney:** Kurt Lawson (202) 622-1352.

**Agency Contact:** Felix Zech, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

**RIN:** 1545-AD63

**3001. INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 126 Internal Revenue Code of 1986; 26 USC 1255 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide rules on the exclusion from gross income of certain cost-sharing payments made by the Department of Agriculture and state governments to taxpayers for purposes of conservation, reclamation or restoration and on the amount recaptured when the property improved with the excluded income is sold within a certain specified period of time.

**Timetable:**

Action	Date	FR Cite
NPRM	05/21/81	46 FR 27723
NPRM Comment Period End	07/20/81	46 FR 27723
Hearing	12/01/81	46 FR 50808
Final Action	00/00/00	

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined

**Additional Information:** PS-222-78.

**Drafting attorney:** A. Michael Santoro, Jr. (202) 622-3120.

**Reviewing attorney:** Emil O. Muhs, Jr. (202) 622-3120.

**Agency Contact:** A. Michael Santoro, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3120

**RIN:** 1545-AA73

**3002. TAXATION OF FRINGE BENEFITS AND EXCLUSIONS FROM GROSS INCOME OF CERTAIN FRINGE BENEFITS**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed amendments amend two provisions of the working condition fringe benefit regulations.

These proposed amendments (1) provide additional rules for transportation provided to certain employees because of bona fide business-oriented security concerns and (2) clarify the treatment of bona fide volunteers who perform services for exempt organizations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48465
NPRM Comment Period End	12/13/91	56 FR 48465
Public Hearing	01/30/92	56 FR 61391
Final Action	00/00/00	

**Small Entities Affected:** None  
**Government Levels Affected:** None  
**Additional Information:** EE-46-91.

**Drafting Attorney:** Marianna Dyson (202) 622-6040.

**Reviewing Attorney:** Jerry E. Holmes (202) 622-6040.

**Treasury Attorney:** Michael Schultz (202) 622-0998.

**Agency Contact:** Marianna Dyson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

**RIN:** 1545-AP74

**3003. RECOVERY OF OVERPAYMENTS OF ARBITRAGE REBATE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.148-13T

**Legal Deadline:** None

**Abstract:** Under section 148 of the 1986 Code, arbitrage rebate payments are not refundable. However, provision should be made for recovery of overpayments of rebate if the issuer establishes to the satisfaction of the Commissioner that: (1) the issuer paid an amount in excess of the determined rebatable arbitrage, (2) the excess was paid in error, and (3) recovery of the overpayment at the date first requested would not result in rebatable arbitrage as of such date.



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**Timetable:**

Action	Date	FR Cite
NPRM	05/18/92	57 FR 21044
Temporary Regulation	05/18/92	57 FR 20971
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-067-89

Drafting Attorney: William P. Cejudo (202) 622-3980.

Reviewing attorney: Lon B. Smith (202) 622-3980.

**Agency Contact:** William P. Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AO15

### 3004. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations relate to arbitrage restrictions on tax-exempt bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/92	57 FR 21044
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-91-86

Drafting attorney: William Cejudo (202) 622-3980.

Reviewing attorney: Lon B. Smith (202) 622-3980.

Treasury attorney: David Walton (202) 622-1354.

**Agency Contact:** William Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AP49

### 3005. SUBSEQUENT INTENTIONAL ACTS TO EARN ARBITRAGE AND THE REASONABLE EXPECTATIONS TEST FOR ARBITRAGE BONDS

**Legal Authority:** 26 USC 148 (a) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.103-13

**Legal Deadline:** None

**Abstract:** The proposed regulations provide that if subsequent intentional acts are taken after the date of issue to earn arbitrage, the reasonable expectations test does not prevent a bond from being declared an arbitrage bond.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-044-89

Drafting attorney: David White (202) 622-3980.

**Agency Contact:** David White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AN69

### 3006. EXCEPTIONS FROM PROHIBITION OF FEDERAL GUARANTEES—PERMITTED INVESTMENTS OF TAX EXEMPT BOND PROCEEDS

**Legal Authority:** 26 USC 149(b)(3)(B)(v) Internal Revenue Code of 1936

**CFR Citation:** 26 CFR 1.149(b)(3)-1T

**Legal Deadline:** None

**Abstract:** These temporary regulations except investments in obligations issued by the Resolution Funding Corporation from the prohibition of Federal guarantees applicable to tax-exempt bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	10/15/90	55 FR 41695
Final Action	00/00/00	

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:** FI-084-90

Drafting Attorney: William Cejudo (202) 622-3980.

Reviewing Attorney: Lon Smith (202) 622-3980.

Treasury Attorney: David Walton (202) 622-1354.

**Agency Contact:** William Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AP11

### 3007. CONTINUATION COVERAGE REQUIREMENTS OF GROUP HEALTH PLANS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 106(b) Internal Revenue Code of 1986; 26 USC 162(i)(2) Internal Revenue Code of 1986; 26 USC 162(k) Internal Revenue Code of 1986; 26 USC 4980B Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 54

**Legal Deadline:** None

**Abstract:** These regulations will provide guidance relating to the requirement that a group health plan provide continuation coverage to individuals who would otherwise lose coverage as a result of certain events.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22716
NPRM Comment Period End	08/14/87	52 FR 22716
Hearing	11/04/87	
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-143-86

Drafting attorney: Russell Weinheimer (202) 622-6060.

Review attorney: Mark Schwimmer (202) 622-6060.

Treasury attorney: Kurt Lawson (202) 622-2647.

**Agency Contact:** Russell Weinheimer, Attorney, Department of the Treasury, Internal Revenue Service, 1111



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Constitution Ave. NW., Washington,  
DC 20224, 202 622-6060

RIN: 1545-AI93

### 3008. INCOME TAX REGULATIONS— LIMITATIONS ON DEDUCTIONS FOR NONBUSINESS INTEREST

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 163  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide  
guidance relating to the disallowance of  
a deduction for personal interest,  
including guidance regarding the  
definitions of qualified residence,  
qualified residence interest and  
qualified indebtedness.

**Timetable:**

Action	Date	FR Cite
NPRM	12/22/87	52 FR 48452

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-137-86

Drafting Attorney: Sharon L. Hall (202)  
622-4930.

Reviewing Attorney: John Fischer (202)  
622-4820.

Treasury Attorney: Heidi Ebel (202) 622-  
1334.

**Agency Contact:** Sharon L. Hall,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-4930

RIN: 1545-AK17

### 3009. EARNINGS STRIPPING PAYMENTS

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation addresses the  
deductibility of interest under section  
163 being limited when paid by a  
corporation to related persons not  
subject to U.S. tax.

**Timetable:**

Action	Date	FR Cite
NPRM	06/18/91	56 FR 27907
Hearing	09/25/91	56 FR 27927
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional Information:** INTL-870-89

Drafting attorney: Jacob Feldman (202)  
622-3870.

Reviewing attorney: Jeffrey L. Dorfman  
(202) 622-3870.

Treasury attorney: Marlin Risinger (202)  
622-1762.

**Agency Contact:** Jacob Feldman,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW.,  
Washington, DC 20224, 202 622-3870

RIN: 1545-AO24

### 3010. INCOME TAX REGULATIONS— TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 165  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will  
provide rules under section 108 of the  
Tax Reform Act of 1984 and section  
1808 (d) of the Tax Reform Act of 1986,  
relating to the treatment of certain  
losses on straddles entered into before  
the effective date of the Economic  
Recovery Tax Act of 1981.

**Timetable:**

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33458
NPRM Comment Period End	10/22/84	49 FR 33458
Hearing	11/29/84	
Final Action	12/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-147-84.

Drafting attorney: Robert B. Williams  
(202) 622-3950.

Reviewing attorney: Alice A. Bennett  
(202) 622-3950.

**Agency Contact:** Robert B. Williams,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Ave. NW., Washington,  
DC 20224, 202 622-3950

RIN: 1545-AG57

### 3011. TAX-EXEMPT ENTITY LEASING

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 168  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide  
rules concerning tax-exempt entity  
leasing and service contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27297
NPRM Comment Period End	09/03/85	50 FR 27297
Hearing	11/25/85	

Next Action Undetermined

**Small Entities Affected:** Businesses,  
Governmental Jurisdictions,  
Organizations

**Government Levels Affected:** Local,  
State, Federal

**Additional Information:** IA-31-85.

Drafting attorney: Edward C. Schwartz  
(202) 622-4960.

Reviewing attorney: Stephen J. Toomey  
(202) 622-4960.

**Agency Contact:** Edward C. Schwartz,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-4960

RIN: 1545-AH76

### 3012. APPLICABLE CONVENTIONS UNDER THE ACCELERATED COST RECOVERY SYSTEM

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 168  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation would provide  
rules relating to the half-year and mid-  
quarter conventions under the  
accelerated cost recovery system  
applicable to property generally placed  
in service after December 31, 1986.



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## Timetable:

Action	Date	FR Cite
NPRM	12/31/90	55 FR 53571
NPRM Comment Period End	02/14/91	55 FR 53571
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional Information:** PS-054-89

**Drafting Attorney:** Mark Pitzer (202) 622-3110.

**Reviewing Attorney:** Peter Friedman (202) 622-3110.

**Treasury Attorney:** Barksdale Penick (202) 622-1335.

**Agency Contact:** Mark Pitzer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110

**RIN:** 1545-AN81

### 3013. ELECTION TO EXPENSE CERTAIN DEPRECIABLE ASSETS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide rules relating to the changes made to section 179 by the Tax Reform Act of 1986. This includes changes to the dollar limitation and recapture provision as well as the new trade or business income limitation.

## Timetable:

Action	Date	FR Cite
NPRM	03/28/91	56 FR 12868
NPRM Comment Period End	05/28/91	56 FR 12868
Hearing	08/08/91	56 FR 12879
Final Action	11/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** PS-52-88

**Drafting attorney:** Winston H. Douglas (202) 622-3110.

**Reviewing attorney:** Harold Burghart (202) 622-3110.

**Treasury attorney:** Barksdale Penick (202) 622-1335.

**Agency Contact:** Winston Douglas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110

**RIN:** 1545-AL74

### 3014. CAPITALIZATION AND INCLUSION IN INVENTORY COSTS OF CERTAIN EXPENSES

**Significance:** Regulatory Program

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide rules relating to the costs incurred in the production and acquisition of property for resale in a trade or business or activity conducted for profit.

## Timetable:

Action	Date	FR Cite
NPRM	03/30/87	52 FR 10118
NPRM Comment Period End	05/29/87	
Hearing	12/07/87	

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-168-86.

**Drafting attorney:** Ellen McElroy (202) 622-4970.

**Reviewing attorney:** Tom Luxner (202) 622-4970.

**Agency Contact:** Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970

**RIN:** 1545-AK05

### 3015. ● CAPITALIZATION AND INCLUSION IN INVENTORY OF CERTAIN COSTS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The rules provide general rules regarding the operation of the uniform capitalization rules.

## Timetable:

Action	Date	FR Cite
ANPRM	03/30/87	52 FR 10118
ANPRM Comment Period End	05/29/87	52 FR 10118
Hearing	12/08/87	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-62-91

**Drafting attorney:** Ellen McElroy (202) 622-7272.

**Reviewing attorney:** Tom Luxner (202) 622-4970.

**Treasury reviewer:** J. Paul Whitehead (202) 622-0868.

**Agency Contact:** Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7272

**RIN:** 1545-AQ88

### 3016. ● RULES RELATING TO PRODUCED PROPERTY

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These rules provide guidance regarding the capitalization of costs associated with produced property.

## Timetable:

Action	Date	FR Cite
ANPRM	03/30/87	52 FR 10118
ANPRM Comment Period End	05/29/87	52 FR 10118
Hearing	12/08/87	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-63-91

**Drafting attorney:** Ellen McElroy (202) 622-7272.

**Reviewing attorney:** Tom Luxner (202) 622-4970.



## TREAS—IRS

## Final Rule Stage

Treasury attorney: J. Paul Whitehead (202) 622-0868.

**Agency Contact:** Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7272

**RIN:** 1545-AQ89

### 3017. ● RULES RELATING TO RESELLERS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These rules provide guidance for resellers subject to the uniform capitalization rules.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/30/87	52 FR 10118
ANPRM	05/29/87	52 FR 10118
Comment Period End		
Hearing	12/08/87	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-64-91

Drafting attorney: Ellen McElroy (202) 622-7272.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury attorney: J. Paul Whitehead (202) 622-0868.

**Agency Contact:** Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7272

**RIN:** 1545-AQ90

### 3018. ● RULES RELATING TO FARMERS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The rules provide general rules regarding the application of the

uniform capitalization rules to taxpayers engaged in farming.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/30/87	52 FR 10118
ANPRM	05/29/87	52 FR 1018
Comment Period End		
Hearing	12/08/87	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-65-91

Drafting attorney: Merrill Feldstein (202) 622-4970.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury attorney: J. Paul Whitehead (202) 622-0868.

**Agency Contact:** Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970

**RIN:** 1545-AQ91

### 3019. ● RULES RELATING TO CREATIVE PROPERTY

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The rules provide general rules regarding the application of the uniform capitalization rules to creative properties.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/30/87	52 FR 10118
ANPRM	05/29/87	52 FR 10118
Comment Period End		
Hearing	12/08/87	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-66-91

Drafting attorney: Merrill Feldstein (202) 622-4970.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury attorney: J. Paul Whitehead (202) 622-0868.

**Agency Contact:** Merrill Feldstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970

**RIN:** 1545-AQ92

### 3020. ● RULES RELATING TO FOREIGN TAXPAYERS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These rules provide guidance regarding the application of the uniform capitalization rules to foreign taxpayers.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/30/87	52 FR 10118
ANPRM	05/29/87	52 FR 10118
Comment Period End		
Hearing	12/08/87	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-67-91

Drafting attorney: Ellen McElroy (202) 622-7272.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury reviewer: J. Paul Whitehead (202) 622-0868.

**Agency Contact:** Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7272

**RIN:** 1545-AQ93

### 3021. ● METHOD CHANGE RULES FOR THE UNIFORM CAPITALIZATION RULES

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None



## TREAS—IRS

## Final Rule Stage

**Abstract:** These rules provide guidance regarding the method change requirement of section 263A.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/30/87	52 FR 10118
ANPRM	05/29/87	52 FR 10118
Comment		
Period End		
Hearing	12/08/87	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-68-91

Drafting attorney: Ellen McElroy (202) 622-7272.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury reviewer: J. Paul Whitehead (202) 622-0868.

**Agency Contact:** Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7272

RIN: 1545-AQ94

### 3022. CAPITALIZATION OF INTEREST EXPENSE RELATING TO PRODUCTION OF PROPERTY

**Significance:** Regulatory Program

**Legal Authority:** 26 USC 263A(f) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Regulations concerning the capitalization of interest expense in the case of the production of designated property.

**Timetable:**

Action	Date	FR Cite
NPRM	08/16/91	56 FR 40815
Hearing	11/20/91	56 FR 40842
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** IA-120-86.

Drafting attorney: Mary Goode (202) 622-4960.

Reviewing attorney: Richard Davis (202) 622-4970.

Treasury attorney: John Parcell (202) 622-2578.

**Agency Contact:** Mary Goode, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AK03

### 3023. LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0267 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The primary purpose of this project is to provide final regulations under section 267 of the Internal Revenue Code concerning the deferral and restoration of loss on the intercompany sale of property from one member of a controlled group of corporations to another member.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/84	49 FR 47048
NPRM Comment	01/29/85	49 FR 47048
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-023-89

Drafting Attorney: Keith E. Stanley (202) 622-7750.

Reviewing Attorney: Nelson R. Crouch (202) 622-7740.

Treasury attorney: Judge J. Kelley (202) 622-1339.

**Agency Contact:** Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

RIN: 1545-AN19

### 3024. DEDUCTIONS OF AMOUNTS OWED TO RELATED FOREIGN PERSONS UNDER SECTIONS 267(A)(3) AND 163(E)(3)

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267(a)(3) Internal Revenue Code of 1986; 26 USC 163(e)(3) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** To provide rules for the deduction of amounts owed to a related foreign person.

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/91	56 FR 11531
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-625-89

Drafting attorney: James K. Sams (202) 622-3840.

Reviewing attorney: Christine Halphen (202) 622-3840.

Treasury attorney: Carol Dunahoo (202) 622-0726.

**Agency Contact:** James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AN83

### 3025. INCOME TAX—PERSONAL SERVICE CORPORATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 269A Internal Revenue Code of 1986.

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13438
NPRM Comment	05/31/83	48 FR 13438
Period End		
Hearing	07/19/83	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** CO-188-82.

Drafting attorney: Brendan O'Hara (202) 622-7530.

Reviewing attorney: Nelson Crouch (202) 622-7740.



## TREAS—IRS

## Final Rule Stage

**Agency Contact:** Brendan O'Hara, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7530

**RIN:** 1545-AF11

**3026. INCOME TAX—  
SUBSTANTIATION REQUIREMENTS  
WITH RESPECT TO LISTED  
PROPERTY AND SUBSTANTIATION  
REQUIREMENTS RELATING TO THE  
TAXATION OF FRINGE BENEFITS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will set forth the requirements to substantiate any deduction or credit for certain business-related expenses with adequate records or sufficient evidence corroborating a taxpayer's own statement.

**Timetable:**

Action	Date	FR Cite
NPRM	11/06/85	50 FR 46006
NPRM Comment Period End	01/06/86	50 FR 46006
Hearing	03/04/86	51 FR 02898

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-140-86.

Drafting Attorney: Joel Rutstein (202) 622-4930.

Reviewing Attorney: Michael Finley (202) 622-4930.

**Agency Contact:** Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4930

**RIN:** 1545-AJ40

**3027. AUTOMOBILE INCLUSION  
AMOUNTS FOR CALENDAR YEARS  
AFTER 1988**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations provide the requirements and tables to be used to

determine the dollar amount, if any, that a lessee of a passenger automobile or other listed property must add to gross income. Further, the tax law applicable to automobiles placed in service after 1988 requires annual adjustments in the tables to reflect the automobile price inflation index.

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/90	55 FR 13808
NPRM Comment Period End	06/11/90	55 FR 13808
Supplemental NPRM	01/24/92	57 FR 2862
Final Action	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** PS-53-89

Drafting attorney: Bernard P. Harvey (202) 622-3060.

Reviewing attorney: Harold E. Burghart (202) 622-3110.

Treasury attorney: John H. Parcell (202) 622-2578.

**Agency Contact:** Bernard P. Harvey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

**RIN:** 1545-AN80

**3028. THE SUBSTANTIATION OF  
DEDUCTIONS CLAIMED FOR THE USE  
OF CELLULAR TELEPHONES AND  
COMPUTERS IN A TAXPAYER'S  
TRADE OR BUSINESS**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations provide the public with the guidance needed to substantiate the use of cellular telephones and computers in a trade or business. The regulations proposed for cellular telephones and computers follow the safe harbor rules for listed property, when the use of a cellular

telephone in a trade or business occurs under special conditions.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** PS-114-90

Drafting attorney: Bernard P. Harvey (202) 622-3060.

Reviewing Tax Law Specialist: Harold E. Burghart (202) 622-3110.

Treasury attorney: John E. Parcell (202) 622-2578.

**Agency Contact:** Bernard P. Harvey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

**RIN:** 1545-AP45

**3029. GOLDEN PARACHUTE  
PAYMENTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280G Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 280G

**Legal Deadline:** None

**Abstract:** These regulations will provide rules relating to restrictions on golden parachute payments. The regulations will provide guidance to taxpayers, who must comply with section 280G, by delineating the circumstances under which payments may be considered excess parachute payments.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19390
NPRM Comment Period End	07/05/89	
Hearing	11/21/89	54 FR 39548
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-30-90

Drafting attorney: Robert Misner (202) 622-6060.

Reviewing attorney: Unassigned

**Agency Contact:** Robert Misner, Attorney, Department of the Treasury, Internal Revenue Service, 1111



## TREAS—IRS

## Final Rule Stage

Constitution Avenue NW., Washington, DC 20224, 202 622-6060

RIN: 1545-AH49

### 3030. RECOGNITION OF GAIN OR LOSS ON LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY

**Significance:** Regulatory Program

**Legal Authority:** 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The Tax Reform Act of 1986 (the "Act") repealed the last vestiges of the General Utilities doctrine ("GU repeal"), thereby requiring corporations to recognize gain in most cases upon the distribution of appreciated property to their shareholders. The Act granted the Secretary authority to promulgate regulations necessary to carry out the purposes of the Act. This project addresses issues related to the operating rules of sections 311, 331, 334, 336, and 337. Additional areas related to GU repeal, such as the scope of the repeal, will be addressed in a specific project.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** CO-117-86.

Drafting Attorney: Tom Matragrano (202) 622-7530.

Reviewing Attorney: Don A. Leatherman (202) 622-7520.

**Agency Contact:** Tom Matragrano, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7530

RIN: 1545-AJ01

### 3031. IMPLEMENT THE GUIDANCE IN NOTICE 89-37, WHICH TREATS THE RECEIPT OF A CORPORATE PARTNER'S STOCK BY THE CORPORATE PARTNER AS A CIRCUMVENTION OF GENERAL UTILITIES REPEAL

**Legal Authority:** 26 USC 337(d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.337(d)

**Legal Deadline:** None

**Abstract:** The regulation will implement the guidance provided in Notice 89-37, 1989-1 C.B. 679, on the treatment of the receipt of a corporation partner's stock by other corporation partner in exchange for appreciated property from the other corporation partner.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** PS-91-90

Drafting attorney: Channing Brackey (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-3070.

**Agency Contact:** Channing Brackey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AP52

### 3032. DEEMED PURCHASE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal will prescribe rules for computing the basis of stock purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23790
NPRM Comment	09/02/86	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-191-82.

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: William D. Alexander (202) 622-7550.

Office of Tax Legislative Counsel reviewing attorney: Judd Kelley (202) 622-1339.

**Agency Contact:** Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AF29

### 3033. INCOME TAX—ELECTIONS UNDER SECTION 338, AS ADDED BY SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AS AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; PL 97-248, Sec 224; PL 97-448, Sec 306

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

**Timetable:**

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35144
NPRM Comment	11/05/84	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-26-83.

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: William D. Alexander (202) 622-7550.



## TREAS—IRS

## Final Rule Stage

Treasury attorney: J. Judge Kelley (202) 622-1339.

**Agency Contact:** Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

**RIN:** 1545-AF38

**3034. REGULATIONS UNDER SECTION 338(H)(10) AS ADDED TO THE CODE BY SECTION 306 OF THE TECHNICAL CORRECTIONS ACT OF 1982, RELATING TO SPECIAL ELECTIVE RECOGNITION OF GAIN OR LOSS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal would interpret the rules of section 338 (h) (10) under which a special election can be made so that target corporation recognizes gain or loss on the demand sale of its assets. The proposal is necessary so that affected taxpayers can make election under the provision.

**Timetable:**

Action	Date	FR Cite
NPRM	01/08/86	51 FR 763
NPRM Comment	03/10/86	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-218-83.

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: William D. Alexander (202) 622-7550.

Office of Tax Legislative Counsel reviewing attorney: Judd Kelley (202)-622-1339.

**Agency Contact:** Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

**RIN:** 1545-AF93

**3035. QUESTIONS AND ANSWERS RELATING TO MISCELLANEOUS MATTERS UNDER SECTION 338**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide guidance on a broad range of issues under section 338.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/85	50 FR 16430

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-33-85.

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: William D. Alexander (202) 622-7550.

Treasury attorney: J. Judge Kelley (202) 622-1339.

**Agency Contact:** Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

**RIN:** 1545-AH88

**3036. STATEMENTS OF ELECTION AND DUE DATES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations provide guidance to taxpayers who make express elections under section 338 pursuant to the extended July 15, 1986, filing deadline where the statute of limitations in the target's taxable year which includes the acquisition date has expired prior to July 15, 1986, or will expire shortly thereafter.

**Timetable:**

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17989
NPRM Comment	07/15/86	51 FR 17989
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-8-86.

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: William D. Alexander (202) 622-7550.

Treasury attorney: J. Judge Kelley (202) 622-1339.

**Agency Contact:** Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

**RIN:** 1545-AI53

**3037. CONSISTENCY RULES UNDER SECTION 338**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 338 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.338-1T to 6T; 26 CFR 1.338(b)-1T to 4T; 26 CFR 1.338(h)(10)-1T

**Legal Deadline:** None

**Abstract:** These regulations will modify or revise the consistency rules under Section 338.

**Timetable:**

Action	Date	FR Cite
NPRM	01/14/92	57 FR 1409
NPRM Comment	03/12/92	57 FR 1409
Period End		
Hearing	03/26/92	57 FR 1408
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-111-90

Drafting attorneys: Michael Fulton (202) 622-7530/Kenneth Allison (202) 622-3860.

Reviewing attorney: Don Leatherman (202) 622-7520.

Treasury attorney: J. Judge Kelley (202) 622-1339.

**Agency Contact:** Michael Fulton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7530

**RIN:** 1545-AQ05



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**3038. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

**Timetable:**

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17990
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-610-86

Drafting attorney: Elizabeth U. Karzon (202) 622-3860.

Reviewing attorney: Charles Saverude (202) 622-3800.

Treasury attorney: Peter Marrs (202) 622-0724.

**Agency Contact:** Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AK74

**3039. TRANSFERS OF STOCK ON SECURITIES BY U.S. PERSONS TO FOREIGN CORPORATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed regulations will replace, when finalized, the temporary income tax regulations under section 1.367(a)-1T(c)(2) and section 1.367(a)-3T. They provide guidance on the application of section 367(a) to transfers of stock or securities by U.S. persons to foreign corporations. This regulation has been broken out of a larger regulation project (listed under INTL-610-86, RIN 1545-AK74) that will amend the remainder of the temporary income tax regulations under section 367(a).

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/91	56 FR 41993
Hearing	11/22/91	56 FR 41992
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-54-91

Drafting attorney: Elizabeth U. Karzon (202) 622-3860.

Reviewing attorney: Charles Saverude (202) 622-3800.

Treasury attorney: Peter Marrs (202) 622-0724.

**Agency Contact:** Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AP81

**3040. INCOME TAX—PART 1—STOCK TRANSFER RULES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 (b) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The extent to which a foreign corporation shall be considered to be a corporation in connection with an exchange described in sections 332, 351, 354, 355, 356 or 361.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/91	56 FR 41993
Hearing	11/22/91	56 FR 41992
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INTL-178-86

Drafting attorney: Irwin Halpern (202) 622-3850.

Reviewing attorney: Bernard Bress (202) 622-3850.

Treasury attorney: Marlin Risinger (202) 622-1762.

**Agency Contact:** Irwin Halpern, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850

**RIN:** 1545-AI32

**3041. CERTAIN CORPORATE DISTRIBUTIONS TO FOREIGN CORPORATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 (e) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal deals with whether gain should be recognized under section 367 (e) (1) and (2) on the distributor of stock, securities or other property.

**Timetable:**

Action	Date	FR Cite
NPRM	01/16/90	55 FR 1472
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-704-87

Drafting attorney: Leslie A. Cracraft (202) 622-2860.

Reviewing attorney: Charles C. Saverude (202) 622-3800.

Treasury attorney: Peter Marrs (202) 622-0724.

**Agency Contact:** Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AL35



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**3042. INCOME TAX—OWNERSHIP CHANGE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance on what constitutes "ownership change" under section 382 of the Internal Revenue Code of 1986 (generally, an "ownership change" is a shift in loss corporation stock ownership, (after which the corporation's net operating loss carryovers are limited)).

**Timetable:**

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29704
NPRM Comment	10/13/87	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-106-88.

**Drafting Attorney:** Keith E. Stanley (202) 622-7750.

**Reviewing Attorney:** Charles M. Whedbee (202) 622-7750.

**Treasury Attorney:** Andrew Dubroff (202) 622-1766.

**Agency Contact:** Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

**RIN:** 1545-AJ00

**3043. SECTION 382 LIMITATION ON GROUPS FILING CONSOLIDATED RETURNS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This NPRM provides rules for applying section 382 to consolidated groups.

**Timetable:**

Action	Date	FR Cite
NPRM	02/04/91	56 FR 4195
NPRM Comment	03/29/91	56 FR 4195
Period End		
Hearing	04/08/91	56 FR 4243
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-132-87

**Drafting attorney:** David P. Madden (202) 622-7540.

**Reviewing attorney:** Charles Whedbee (202) 622-7750.

**Treasury attorney:** Andrew Dubroff (202) 622-7166.

**Agency Contact:** David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7540

**RIN:** 1545-AL36

**3044. AMENDMENT OF SEC. 1.382-2T(H)(4)(X) TO GRANT THE IRS AUTHORITY TO DESIGNATE IN THE INTERNAL REVENUE BULLETIN ADDITIONAL OPTIONS TO BE EXCEPTED FROM ATTRIBUTION RULES OF SEC. 1.382-2T(H)(4)(I)**

**Legal Authority:** 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The purpose of this project is to finalize the portion of the temporary regulations under section 382 of the Internal Revenue Code that grants the Internal Revenue Service the authority to designate in the Internal Revenue Bulletin additional options to be excepted from the attribution rules of section 1.382-2T(h)(4)(i).

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/89	54 FR 52955
NPRM Comment	02/26/90	54 FR 52955
Period End		
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-010-89

**Drafting attorney:** Keith Stanley (202) 622-7750.

**Reviewing attorney:** Charles M. Whedbee (202) 622-7750.

**Treasury attorney:** Larry Garrett (202) 622-1778.

**Agency Contact:** Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

**RIN:** 1545-AN76

**3045. SHORT TAXABLE YEARS AND CONTROL GROUPS**

**Legal Authority:** 26 USC 382 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposed regulations will provide rules regarding the application of section 382 in the case of short taxable years and of controlled groups of corporations.

**Timetable:**

Action	Date	FR Cite
NPRM	02/04/91	56 FR 4183
NPRM Comment	03/29/91	56 FR 4183
Period End		
Hearing	04/08/91	56 FR 4243
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-77-90

**Drafting attorney:** David Madden (202) 622-7540.

**Reviewing attorney:** Charles Whedbee (202) 622-7750.

**Treasury attorney:** Andrew Dubroff (202) 622-1766.

**Agency Contact:** David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7540

**RIN:** 1545-AP14

**3046. ● REGULATIONS UNDER SECTION 382 OF THE INTERNAL REVENUE CODE OF 1986; LIMITATIONS ON CORPORATE NET OPERATING LOSS CARRYFORWARDS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 23 USC 382(l)(5) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.382-3

**Legal Deadline:** None



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**Abstract:** This document contains proposed amendments to the income tax regulations (26 CFR part 1) under section 382 of the Internal Revenue Code of 1986. The amendments provide rules relating to the determination whether certain indebtedness qualifies under section 382(l)(5)(E).

**Timetable:**

Action	Date	FR Cite
NPRM	09/23/91	56 FR 47921
NPRM Comment Period End	11/15/91	56 FR 47921
Hearing	11/20/91	56 FR 47928
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** Drafting attorney: Diana C. MacKeen (202) 622-7550.

CO-045-91

**Agency Contact:** Diana C. MacKeen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

**RIN:** 1545-AQ08

**3047. INCOME TAX—REFUND OF MISTAKEN CONTRIBUTIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(2) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations describe those circumstances under which an employer contribution or withdrawal liability payment to a multiemployer pension plan may be refunded due to a mistake of law or fact.

**Timetable:**

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10374
NPRM Comment Period End	05/10/83	48 FR 10374
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** EE-133-80.

Drafting attorney: John T. Ricotta (202) 622-6040.

Reviewing attorney: Michael A. Thrasher (202) 622-6000.

**Agency Contact:** John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

**RIN:** 1545-AD68

**3048. INCOME TAX—REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS**

**Legal Authority:** 26 USC 408(a)(6) Internal Revenue Code of 1986; 26 USC 401(a)(9) Internal Revenue Code of 1986; 26 USC 408(b)(3) Internal Revenue Code of 1986; 26 USC 408(d)(3)(C) Internal Revenue Code of 1986; 26 USC 219(d)(4) Internal Revenue Code of 1986; 26 USC 403(b)(10) Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984, and Income Tax Reform Act of 1986 concerning the required distributions from qualified plans, individual retirement accounts and 403(b) annuities and custodial accounts.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28070
HEARING	12/04/87	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 622-6030.

Reviewing attorney: Thomas A. Brisendine (202) 622-6030.

**Agency Contact:** Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

**RIN:** 1545-AE95

**3049. NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.401-4; 26 CFR 1.401(a)-4; 26 CFR 1.401(a)(4)-0 to 1.401(a)(4)-13; 26 CFR 1.401(a)(5)-1; 26 CFR 1.401(a)(17)-1; 26 CFR 1.401(a)(26)-9; 26 CFR 1.401(k)-0 to 1.401(k)-1; 26 CFR 1.401(l)-0 to 1.401(l)-6; 26 CFR 1.401(m)-1; 26 CFR 1.402(a)-1; 26 CFR 1.410(b)-0 to 1.410(b)-10; 26 CFR 1.411(d)-4; 26 CFR 1.414(r)-1; 26 CFR 1.414(s)-1

**Legal Deadline:** None

**Abstract:** The proposed regulations delay the effective date of the final regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/92	57 FR 35536
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State

**Additional Information:** EE-6-92

Drafting attorney: Rebecca Wilson (202) 622-6080.

Reviewing attorney: Nancy J. Marks (202) 622-6000.

Treasury attorney: Catherine Creech (202) 622-2647.

**Agency Contact:** Rebecca Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

**RIN:** 1545-AQ76

**3050. INCOME TAX—DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or



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accumulated profits) with respect to certain foreign deferred compensation plans.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13821
NPRM Comment	06/07/85	50 FR 13821
Period End		
Hearing	09/20/85	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-14-81.

Drafting attorney: Elizabeth A. Purcell (202) 622-6080.

Reviewing attorney: Michael A. Thrasher (202) 622-6080.

**Agency Contact:** Elizabeth A. Purcell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

**RIN:** 1545-AD81

### 3051. INCOME TAX—PART 1— BENEFIT ACCRUAL BEYOND NORMAL RETIREMENT AGE

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411(b)(1)(H) Internal Revenue Code of 1986; 26 USC 411(b)(2) Internal Revenue Code of 1986; 26 USC 410(a)(2) Internal Revenue Code of 1986; 26 USC 411(a)(8)(B) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** Final, Statutory, February 1, 1988.

Final regulations are required to be issued by February 1, 1988.

**Abstract:** The regulations would provide rules with regard to benefit accruals after attainment of normal retirement age and maximum age conditions on participating in certain type of plans.

**Timetable:**

Action	Date	FR Cite
NPRM	04/11/88	53 FR 11876
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-184-86

Drafting attorney: Linda Marshall (202) 622-6030.

**Agency Contact:** Linda Marshall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

**RIN:** 1545-AI85

### 3052. INCOME TAX—PART 1— MINIMUM VESTING STANDARDS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; PL 99-514, Sec 1113 Tax Reform Act of 1986; PL 99-514, Sec 1141 Tax Reform Act of 1986; 26 USC 411 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** Final, Statutory, February 1, 1988.

Deadline set by Section 1141 of PL 99-514 "Tax Reform Act of 1986."

**Abstract:** These regulations will amend existing rules to reflect changes made by section 1113 of the Tax Reform Act of 1986, relating to minimum vesting standards and participation standards.

**Timetable:**

Action	Date	FR Cite
NPRM	01/06/88	53 FR 261
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-167-86

Drafting attorney: T. Wolf (202) 622-6070.

Reviewing attorney: James Brokaw (202) 622-6070.

Cross-Reference to EE-73-87

**Agency Contact:** T. Wolf, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

**RIN:** 1545-AI88

### 3053. MINIMUM FUNDING REQUIREMENTS PLANNED RESTORATION

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.412(c)(1)-3

**Legal Deadline:** None

**Abstract:** This document provides proposed rules by cross-reference to temporary regulations for the treatment of plans that have been or are being restored to their sponsoring employees after having been terminated pursuant to section 4041 and at 4042 of the Employee Retirement Income Security Act of 1974 (ERISA).

**Timetable:**

Action	Date	FR Cite
NPRM	10/23/90	55 FR 42728
NPRM Comment	12/24/90	55 FR 42728
Period End		
Hearing	07/19/91	56 FR 19055
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-86-90

Drafting attorney: Michael Roach (202) 622-6060.

Reviewing attorney: Nancy Marks (202) 622-6000.

Treasury attorney: Evelyn Petschek (202) 622-0170.

**Agency Contact:** Michael Roach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6060

**RIN:** 1545-AP13

### 3054. INCOME TAX—EMPLOYEES OF AN AFFILIATED SERVICE GROUP

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (m) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide rules with regard to the aggregation of employees of certain organizations for purposes of certain pension requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8293
NPRM Comment	04/29/83	
Period End		

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-3-81.



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Drafting attorney: Marianna Dyson  
(202) 622-6040.

Review attorney: Nancy J. Marks (202)  
622-6000.

Treasury attorney: Catherine Creech  
(202) 622-1341.

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Internal Revenue Service, 1111  
Constitution Ave. NW., Washington,  
DC 20224, 202 622-6040

RIN: 1545-AD90

### 3055. INCOME TAX REGULATIONS— AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 414(n)  
Internal Revenue Code of 1986; 26 USC  
414(m)(5) Internal Revenue Code of  
1986; 26 USC 414(o) Internal Revenue  
Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide  
rules regarding the treatment of certain  
leased employees. In addition, the  
regulations will provide guidance  
regarding the aggregation of certain  
management companies as affiliated  
service groups.

#### Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32502
NPRM Comment Period End	10/26/87	
Hearing	12/02/87	52 FR 45835
Hearing	02/25/88	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-111-82.

Drafting attorney: Marianna Dyson  
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Reviewing attorney: Nancy J. Marks  
(202) 622-6000.

Treasury attorney: Catherine Creech  
(202) 622-1341.

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RIN: 1545-AE91

### 3056. TIMING, CHARACTER AND SOURCE OF INCOME WITH RESPECT TO NOTIONAL PRINCIPAL CONTRACTS

**Significance:** Regulatory Program

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations address the  
timing and nature of income and  
deductions from notional principal  
contracts, which encompasses interest  
rate swaps, interest rate caps, and  
interest rate floors.

#### Timetable:

Action	Date	FR Cite
NPRM	07/10/91	56 FR 31350
NPRM Comment Period End	09/23/91	56 FR 31350
Hearing	10/07/91	56 FR 31350
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-016-89

Drafting Attorney: Karl Walli (202) 566-  
6284.

Treasury attorney: Hal Gann (202) 622-  
1333.

**Agency Contact:** Karl Walli, Attorney  
Adviser, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 566-6284

RIN: 1545-AN15

### 3057. LIMITATION OF THE USE OF THE CASH METHOD OF ACCOUNTING

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 448  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would  
provide guidance to certain C  
Corporations, partnerships with a  
corporate partner and tax shelters  
prohibited from using the cash method  
of accounting.

#### Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22796
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-122-86.

Drafting attorney: James A. Orefice  
(202) 622-4910.

Reviewing attorney: Mike Montemurro  
(202) 622-4910.

**Agency Contact:** James A. Orefice,  
Attorney, Department of the Treasury,  
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Constitution Ave. NW., Washington,  
DC 20224, 202 622-4910

RIN: 1545-AJ52

### 3058. NONACCRUAL-EXPERIENCE METHOD OF ACCOUNTING— CLARIFICATION OF AMOUNTS DETERMINED TO BE UNCOLLECTIBLE

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 448(d)(5)  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation project will  
clarify amounts determined to be  
uncollectible with respect to the  
nonaccrual-experience method of  
accounting under section 448(d)(5).

#### Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-79-88

Drafting attorney: James A. Orefice  
(202) 622-4910.

Reviewing attorney: Robert Casey (202)  
622-4910.

**Agency Contact:** James A. Orefice,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-4910

RIN: 1545-AM33

### 3059. UNTIMELY COMPLIANCE WITH SECTION 448

**Significance:** Agency Priority

**Legal Authority:** 26 USC 448 Internal  
Revenue Code of 1986; 26 USC 7805  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.448-1T

**Legal Deadline:** None



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**Abstract:** Proposal would provide guidance to taxpayers that failed to comply with the effective date provision of Section 448 and the regulations thereunder.

**Timetable:**

Action	Date	FR Cite
NPRM	01/07/91	56 FR 508

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-52-89

Drafting attorney: James A. Orefice (202) 622-4910.

Reviewing attorney: Mike Montemurro (202) 622-4910.

**Agency Contact:** Jim Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AO65

### 3060. ELECTIVE DEFERRAL OF FEDERAL PAYMENTS RECEIVED AS A RESULT OF DESTRUCTION OR DAMAGE TO CROPS CAUSED BY NATURAL DISASTER

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.451-6

**Legal Deadline:** None

**Abstract:** This regulation will prescribe the conditions under which insurance proceeds received as a result of destruction or damage to crops (including federal disaster payments) will qualify for the deferral election provided in section 451(d).

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/90	55 FR 7343
NPRM Comment	04/30/90	55 FR 7343
Period End		
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-012-90

Drafting attorney: Douglas Fahey (202) 622-4950.

Treasury attorney: J. Paul Whitehead (202) 622-8131.

**Agency Contact:** Doug Fahey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4950

**RIN:** 1545-AO49

### 3061. INCOME TAX—GENERAL RULES FOR INSTALLMENT SALES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 15A.453-1(c); 26 CFR 15A.453-1

**Legal Deadline:** None

**Abstract:** Treasury decision will provide general rules and rules for reporting contingent installment obligations.

**Timetable:**

Action	Date	FR Cite
NPRM	02/04/81	46 FR 10749
NPRM Comment	04/06/81	46 FR 10749
Period End		
Hearing	10/01/81	46 FR 40774

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-173-80.

Drafting attorney: Kathryn Nunzio (202) 622-4950.

Reviewing attorney: George Wright (202) 622-4950.

**Agency Contact:** Kathryn K. Nunzio, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

**RIN:** 1545-AB42

### 3062. INCOME TAX—INSTALLMENT REPORTING—ASSET SALES AND LIQUIDATION

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation. Additionally includes rules regarding the allocation of

consideration received in a multiple asset sale if a disposition of any one of the properties would qualify for installment sale treatment.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1742
NPRM Comment	03/16/84	49 FR 1742
Period End		
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-184-80.

Drafting attorney: Kathryn Nunzio (202) 622-4950.

Reviewing attorney: Doug Fahey (202) 622-4950.

**Agency Contact:** Kathryn Nunzio, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

**RIN:** 1545-AB43

### 3063. INCOME TAX—INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain may not be recognized.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/84	49 FR 18866
NPRM Withdrawn	11/02/89	54 FR 46375
T.D.	8270	

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-186-80.

Drafting Attorney: Keith Medleau (202) 622-4800.

Reviewing Attorney: William D. Alexander (202) 622-4910.



## TREAS—IRS

## Final Rule Stage

**Agency Contact:** Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4800

**RIN:** 1545-AB44

### 3064. SPECIAL RULES FOR NONDEALERS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This project will provide rules relating to the pledging rules and special interest charge of section 453A.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-025-89

**Drafting Attorney:** James A. Orefice (202) 622-4910.

**Reviewing Attorney:** Mike Montemurro (202) 622-4910.

**Agency Contact:** James Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AN13

### 3065. INCOME TAX—EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 458 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34520
Next Action	Undetermined	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-195-78.

**Drafting Attorney:** Grant E. Gabriel (202) 622-4970.

**Reviewing Attorney:** Thomas A. Luxner (202) 622-4970.

**Agency Contact:** Grant E. Gabriel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4970

**RIN:** 1545-AB48

### 3066. LOOK-BACK METHOD FOR LONG-TERM CONTRACTS (MID-CONTRACT CHANGE IN TAXPAYER)

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.460-6

**Legal Deadline:** None

**Abstract:** Final income tax regulations identifying the taxpayer that is responsible for applying the look-back method and the taxpayer that is liable for paying (or is entitled to receive) interest computed under the look-back method when there is a mid-contract change in the taxpayer reporting income from a long-term contract.

**Timetable:**

Action	Date	FR Cite
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** IA-56-91

**Drafting attorney:** Cheryl Oseekey (202) 622-4970.

**Reviewing attorney:** Eric Pleet (202) 622-4970.

**Agency Contact:** Cheryl Oseekey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970

**RIN:** 1545-AQ32

### 3067. INCOME TAX—DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; PL 94-455, Sec 204 Tax Reform Act of 1976

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/05/79	44 FR 32235
NPRM Comment Period End	08/06/79	44 FR 32235
Hearing	09/27/79	44 FR 49701
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-168-76.

**Drafting attorney:** Christine Ellison (202) 622-3080.

**Reviewing attorney:** William P. O'Shea (202) 622-3070.

**Treasury attorney:** John H. Parcell (202) 622-2578.

**Agency Contact:** Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AB52

### 3068. NUCLEAR DECOMMISSIONING RESERVE FUNDS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.468A-5(a)

**Legal Deadline:** None

**Abstract:** The proposed regulation will amend parts of the regulations under section 468A of the Code to resolve an apparent inconsistency in such regulations.



## TREAS—IRS

## Final Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	06/28/90	55 FR 26460
Hearing	12/20/90	55 FR 40402
NPRM	08/19/91	56 FR 41102
Hearing	10/02/91	56 FR 41105
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-007-90

**Drafting attorney:** Peter C. Friedman (202) 622-3110.

**Reviewing attorney:** Charles B. Ramsey (202) 622-3110.

**Treasury attorney:** Eve Elgin (202) 622-1338.

**Agency Contact:** Peter C. Friedman, Senior Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110

**RIN:** 1545-AO42

### 3069. TAXATION OF SETTLEMENT FUNDS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 468B Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** If a liability requires payment to another person and arises out of tort, the obligor is permitted a deduction only as payments are made to such person. See IRC Section 461(h)(2)(c). The obligor is not permitted to accrue a deduction when it makes payment to a settlement fund; rather, it is permitted to accrue a deduction only as payments are made from the settlement fund to the person to which the liability is owed. IRC Section 468B provides that under certain limited circumstances a payment to a settlement fund in respect of tort liability is deductible by the obligor. The provision applies only to payments made to a designated settlement fund. The regulations will address the taxation of a designated settlement fund along with escrow accounts and other similar funds. Under prior law, income earned on amounts deposited in settlement funds were not subject to tax until distribution to the claimants. See Rev. Rul. 71-119, 1979-1 C.B. 103; Rev. Rul. 70-567, 1970-2 C.B. 133. (cont)

## Timetable:

Action	Date	FR Cite
NPRM	02/14/92	57 FR 5399
Hearing	05/27/92	57 FR 5409
Final Action	11/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State, Federal

**Additional Information:** ABSTRACT CONT: The regulations will also provide rules regarding the application of the section 461(h) economic performance requirements to payments to settlement funds.

**Drafting attorney:** Linda Kroening (202) 622-4910.

**Reviewing attorney:** Michael Montemurro (202) 622-4910.

**Treasury attorney:** Jose Berra (202) 622-0999.

IA-54-90

**Agency Contact:** Linda Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AO99

### 3070. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.469-0; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-5T; 26 CFR 1.469-1; 26 CFR 1.469-2; 26 CFR 1.469-3; 26 CFR 1.469-5; 26 CFR 1.469-11

**Legal Deadline:** None

**Abstract:** The proposed regulations address essential issues in connection with passive activity losses and credits.

## Timetable:

Action	Date	FR Cite
NPRM	02/25/88	53 FR 5733
Hearing	06/28/88	
Final Action	07/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-14-88

**Drafting attorney:** Ronald Gootzeit (202) 622-3080.

**Reviewing attorney:** Margaret M. O'Connor (202) 622-3070.

**Treasury attorney:** John H. Parcell (202) 622-2578.

**Agency Contact:** Ronald M. Gootzeit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AB26

### 3071. APPLICATION OF PASSIVE ACTIVITY LOSS AND CREDIT LIMITATIONS TO TRUSTS, ESTATES, AND THEIR BENEFICIARIES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0469(a)(2)(A) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.469-8T

**Legal Deadline:** None

**Abstract:** This regulation will describe how the passive loss limitations affect trusts and estates.

## Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** PS-036-89

**Drafting Attorney:** Christine Ellison (202) 622-3080.

**Reviewing Attorney:** Frances D. Schafer (202) 622-3070.

**Treasury Attorney:** John Parcell (202) 622-2578.

**Agency Contact:** Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AN62

### 3072. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—DEFINITION OF ACTIVITY

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.469-0; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-1; 26 CFR 1.469-5T; 26 CFR 1.469-2; 26 CFR 602.101; 26 CFR 1.469-3; 26 CFR 1.469-4; 26 CFR 1.469-5; 26 CFR 1.469-11

**Legal Deadline:** None



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## Final Rule Stage

**Abstract:** Pursuant to the grant of authority in section 469(l), the regulations define "activity."

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/89	54 FR 20606
NPRM Comment Period End	08/31/89	54 FR 20606
Public Hearing	11/28/89	54 FR 3254
NPRM	05/15/92	57 FR 20802
Final Action	03/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-001-89

Drafting attorney: Ronald M. Gootzeit (202) 622-3080.

Reviewing attorney: Margaret M. O'Connor (202) 622-3070.

Treasury attorney: John H. Parcell (202) 622-2578.

**Agency Contact:** Ronald M. Gootzeit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AM88

### 3073. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS; SELF-CHARGED ITEMS

**Legal Authority:** 26 USC 0469 (l) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.469-7

**Legal Deadline:** None

**Abstract:** The regulation will address the treatment of self-charged items of income and expense in connection with transactions between passthrough entities and owners of interests in those entities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/05/91	56 FR 14034
Hearing	09/06/91	56 FR 14040
Final Action	12/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** PS-039-89

Drafting attorney: Deane Burke (202) 622-3040.

Reviewing attorney: Margaret M. O'Connor (202) 622-3070.

Treasury attorney: John Parcell (202) 622-2578.

**Agency Contact:** Deane Burke, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3040

**RIN:** 1545-AN64

### 3074. INCOME TAX—THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 472 (d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting.

**Timetable:**

Action	Date	FR Cite
NPRM	04/11/83	48 FR 6134
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-254-81.

Drafting attorney: Richard O. Davis (202) 622-4970.

Reviewing attorney: Eric Pleet (202) 622-4970.

**Agency Contact:** Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4970

**RIN:** 1545-AB55

### 3075. SIMPLIFIED DOLLAR VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The temporary regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar-value LIFO method of inventory valuation. This method requires the use of published government indexes.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-30-87

Drafting attorney: Richard O. Davis (202) 622-4970.

Reviewing attorney: Eric Pleet (202) 622-4970.

Treasury accountant advisor: J. Paul Whitehead (202) 622-2668.

**Agency Contact:** Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970

**RIN:** 1545-AN09

### 3076. SECTION 482 REGULATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** To revise section 482 regulations per section 482 white paper.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/92	57 FR 3571
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-401-88

Drafting attorney: Howard A. Berger (202) 622-3880.

Reviewing attorney: Ken Wood (202) 874-1490.

Treasury attorney: Warren Crowder (202) 622-1779.

**Agency Contact:** Howard A. Berger, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

**RIN:** 1545-AL80



## TREAS—IRS

## Final Rule Stage

**3077. SECTION 482 COST SHARING REGULATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Transfer of intangibles between affiliates; intercompany pricing issues.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/92	57 FR 3571
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-372-88

**Drafting attorney:** Lisa L. Sams (202) 622-3840.

**Reviewing attorney:** Ken Wood (202) 874-1490.

**Treasury attorney:** Warren Crowds (202) 622-1779.

**Agency Contact:** Lisa L. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AM00

**3078. TAXATION OF GLOBAL TRADING**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Regulations to improve the taxation of global trading.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/90	55 FR 35152
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-070-90

**Drafting attorney:** Richard L. Chewning (202) 622-3870.

**Reviewing attorney:** Jeffrey L. Dorfman (202) 622-3870.

**Treasury attorney:** Emily McMahon (202) 622-1763.

**Agency Contact:** Richard L. Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

**RIN:** 1545-AP01

**3079. ● VEBA QUALIFICATION—GEOGRAPHIC LOCALE RESTRICTION**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.501(c)(9)-2(a)(1); 26 CFR 1.501(c)(9)-2(d)

**Legal Deadline:** None

**Abstract:** The regulations will supplement the existing regulations by providing rules for determining whether membership in a VEBA consists of persons who have an employment related common bond because they are all employees of employers engaged in the same line of business in the same geographic locale.

**Timetable:**

Action	Date	FR Cite
NPRM	08/07/92	57 FR 34886
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** EE-23-92

**Drafting attorney:** Michael Roach (202) 622-6060.

**Reviewing attorney:** Mark Schwimmer (202) 622-6060.

**Treasury attorney:** Kurt Lawson (202) 622-1352.

**Agency Contact:** Michael J. Roach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6060

**RIN:** 1545-AQ66

**3080. BAD DEBT RESERVES OF FINANCIAL INSTITUTIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This document will provide proposed regulations that relate to the repeal of the bad debt reserve for large banks.

**Timetable:**

Action	Date	FR Cite
NPRM	12/12/90	55 FR 51124
NPRM Comment Period End	02/11/91	55 FR 51124
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-81-86.

**Drafting attorney:** Craig Wojay (202) 622-4122.

**Reviewing attorney:** Sharon Galm (202) 622-3920.

**Agency Contact:** Craig Wojay, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4122

**RIN:** 1545-AJ31

**3081. INCOME TAX—LIMITATION ON ADDITIONS TO BANK LOSS RESERVES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986; PL 97-34, Sec 273

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

**Timetable:**

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56083
NPRM Comment Period End	02/17/84	48 FR 56083
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** FI-152-79.

**Drafting attorney:** Eric E. Boody (202) 622-3960.

**Reviewing attorney:** Alice Bennett (202) 622-3950.



## TREAS—IRS

## Final Rule Stage

**Agency Contact:** Eric E. Boody,  
Attorney, Department of the Treasury,  
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Constitution Ave. NW., Washington,  
DC 20224, 202 622-3960

**RIN:** 1545-AB66

### 3082. BAD DEBT RESERVE RECAPTURE FOR THRIFT INSTITUTIONS

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 593  
Internal Revenue Code of 1986; 26 USC  
446 Internal Revenue Code of 1986; 26  
USC 481 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation addresses the  
recapture of bad debt reserves of thrift  
institutions that either fail the 60  
percent-asset test or convert their  
charter to that of a commercial bank.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/92	57 FR 1232
NPRM Comment Period End	04/13/92	57 FR 1232
Hearing	06/05/92	57 FR 1243
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional Information:** FI-042-90

Drafting attorney: Bernita Thigpen (202)  
622-4016.

Reviewing attorney: Sharon Galm (202)  
622-3920.

**Agency Contact:** Bernita Thigpen,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-4016

**RIN:** 1545-AO69

### 3083. TAX CONSEQUENCES OF FEDERAL FINANCIAL ASSISTANCE PROVIDED IN CONNECTION WITH TAXABLE ASSET ACQUISITIONS OF TROUBLED FINANCIAL INSTITUTIONS

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 597  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Legal Deadline:** None

**Abstract:** Purpose of regulation is to  
implement changes to section 597 by

FIRREA. The FDIC needs this guidance  
to facilitate the reorganization of failed  
S&L's.

**Timetable:**

Action	Date	FR Cite
NPRM	04/23/92	57 FR 14804
NPRM Comment Period End	06/26/92	57 FR 14804
Hearing	07/17/92	57 FR 14803
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** FI-046-89

Drafting attorney: Bernita Thigpen (202)  
622-4016.

Reviewing attorney: Steven Glickstein  
(202) 622-4439.

Treasury attorney: Eve Elgin (202) 622-  
1338.

**Agency Contact:** Bernita Thigpen,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
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DC 20224, 202 622-4016

**RIN:** 1545-AN71

### 3084. SECTION 597 TRANSITION RULES

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 597  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Regulation provides rules on  
tax treatment of lump sum pre-payment  
of tax-exempt Federal Financial  
Assistance.

**Timetable:**

Action	Date	FR Cite
NPRM	04/23/92	57 FR 14803
NPRM Comment Period End	06/26/92	57 FR 14803
Hearing	07/17/92	57 FR 14803
Final Action	01/00/93	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional Information:** FI-105-91

Drafting attorney: Bernita Thigpen (202)  
622-4016.

Reviewing attorney: Steve Glickstein  
(202) 622-4439.

**Agency Contact:** Bernita Thigpen,  
Attorney, Department of the Treasury,

Internal Revenue Service, 1111  
Constitution Ave. NW., Washington,  
DC 20224, 202 622-4016

**RIN:** 1545-AQ26

### 3085. LIMITATIONS ON PERCENTAGE DEPLETION IN THE CASE OF OIL AND GAS WELLS

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 613(a)  
Internal Revenue Code of 1986; 26 USC  
703(a) Internal Revenue Code of 1986;  
26 USC 705(a) Internal Revenue Code of  
1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would clarify  
the circumstances under which  
percentage depletion will be available  
in the case of oil and gas wells.

**Timetable:**

Action	Date	FR Cite
NPRM	05/13/91	56 FR 21965
Hearing	07/08/91	56 FR 21965
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-005-91

Drafting attorney: Brenda Stewart (202)  
622-3120.

Reviewing attorney: Joseph Makurath  
(202) 622-3120.

Treasury attorney: Barksdale Penick  
(202) 622-3120.

**Agency Contact:** Brenda Stewart,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-3120

**RIN:** 1545-AP56

### 3086. TAXABLE YEARS OF CERTAIN PARTNERSHIPS

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 706 (b)  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide  
rules for determining the appropriate  
taxable year for certain partnerships.



## TREAS—IRS

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/29/87	52 FR 49030
Final Action	05/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** IA-101-86.

Drafting attorney: Beverly A. Baughman (202) 622-4940.

Reviewing attorney: Rudi Planert (202) 622-4940.

Treasury attorney: Barksdale Penick (202) 622-1335.

**Agency Contact:** Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AJ47

**3087. TREATMENT OF TRANSACTIONS BETWEEN PARTNERS AND PARTNERSHIP****Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These regulations will provide rules for determining when partnership transactions are to be treated as disguised sales.**Timetable:**

Action	Date	FR Cite
NPRM	04/25/91	56 FR 19055
NPRM Comment Period End	09/23/91	56 FR 19071
Hearing	09/23/91	56 FR 19071

Next Action Undetermined

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** PS-163-84.

Drafting Attorney: Susan T. Edlavitch (202) 622-3050.

Reviewing Attorney: David R. Haglund (202) 622-3050.

Treasury Attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Susan T. Edlavitch, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave. NW., Washington, DC 20224, 202 622-3050

RIN: 1545-AH22

**3088. PARTNERSHIP TERMINATION DISTRIBUTIONS****Significance:** Agency Priority**Legal Authority:** 26 USC 708 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1.708-1**Legal Deadline:** None**Abstract:** In order to prevent the shifting of the tax consequences between partners with respect to pre-contribution gain or loss Congress amended section 704(c) of the Code in the Tax Reform Act of 1984 and again in the Revenue Reconciliation Act of 1989. Treasury believes that in order to fully implement the Congressional intent, the regulations under section 708(b)(1)(B) of the Code need to be amended to insure that the pre-contribution gain or loss is properly accounted for when a partnership liquidates and is reformed. Accordingly, it has been proposed that the regulations under section 708(b)(1)(B) be amended to insure that the pre-contribution gain or loss will be preserved in the liquidation reformation process.**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** PS-024-90

Drafting attorney: Steve Coleman (202) 622-3060.

Reviewing attorney: J. Thomas Hines (202) 622-3060.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Steve Coleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AO20

**3089. WHETHER RECEIPT OF A PARTNERSHIP PROFITS INTEREST IS TAXABLE****Legal Authority:** 26 USC 721 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1.721**Legal Deadline:** None**Abstract:** This regulation addresses whether the receipt of a partnership profits interest is taxable.**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** PS-80-90

Drafting attorney: Ann Veninga (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-2070.

**Agency Contact:** Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AP51

**3090. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES****Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 809 (d) Internal Revenue Code of 1986; 26 USC 809 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations will provide guidance to mutual life insurance companies regarding the computation of the imputed earnings rate.**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** FI-159-84.

Drafting attorney: Katherine A. Hosssofsky (202) 622-3477.



## TREAS—IRS

## Final Rule Stage

Reviewing attorney: Steve Hooe (202) 622-3970.

**Agency Contact:** Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3477

**RIN:** 1545-AG63

### 3091. INCOME TAX REGULATIONS—DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 840 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide rules relating to the discounting of unpaid losses of property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of a company's loss payment pattern.

**Timetable:**

Action	Date	FR Cite
NPRM	05/02/91	56 FR 20161
NPRM Comment Period End	07/31/91	56 FR 20161
Hearing	09/24/91	56 FR 20567
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-139-88.

**Drafting Attorney:** Katherine A. Hossofsky (202) 622-3477.

**Reviewing Attorney:** Steve Hooe (202) 622-3970.

**Agency Contact:** Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3477

**RIN:** 1545-AJ51

### 3092. ● AMORTIZATION OF POLICY ACQUISITION EXPENSES OF INSURANCE COMPANIES

**Legal Authority:** 26 USC 845(b) Internal Revenue Code of 1986; 26 USC 848(d)(4)(B) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.848-2; 26 CFR 1.848-3

**Legal Deadline:** None

**Abstract:** The proposed regulations relate to the requirement that insurance companies capitalize specified policy acquisition expenses for tax purposes. The proposed regulations define certain terms with respect to the application of the capitalization requirement to reinsurance transactions. The regulations are proposed to be effective, in general, for taxable years following November 15, 1991.

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/91	56 FR 58003
Hearing	01/31/92	56 FR 58003
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-003-91

**Drafting attorney:** Gary Geisler (202) 622-3970.

**Reviewing attorney:** Stephen D. Hooe (202) 622-3970.

**Treasury attorney:** Terry P. Jacobs (202) 622-1332.

**Agency Contact:** Gary Geisler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3870

**RIN:** 1545-AQ14

### 3093. INCOME TAX—ESSENTIAL ISSUES RELATING TO REAL ESTATE MORTGAGE INVESTMENT CONDUITS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860E Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Regulations will provide guidance on real estate mortgage investment conduits, a new entity established to clarify the tax treatment of investment in real estate mortgages and mortgage backed securities.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/91	56 FR 49526
Hearing	12/05/91	56 FR 49545
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-88-86.

**Drafting attorney:** Carol A. Schwartz (202) 622-3411.

**Reviewing attorney:** Thomas J. Lyden (202) 622-3920.

**Treasury attorney:** P. Val Strehlow (202) 622-0869.

**Agency Contact:** Carol A. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3411

**RIN:** 1545-AJ35

### 3094. EXTENSION OF TIME FOR REAL ESTATE MORTGAGE INVESTMENT CONDUITS TO PROVIDE REPORTING INFORMATION

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860F Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This proposed regulation would extend the deadline for REMICs or issuers of CDOs to furnish reporting information.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/91	56 FR 49525
Hearing	12/05/91	56 FR 49526
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-38-91

**Drafting attorney:** James W.C. Canup (202) 622-3950.

**Reviewing attorney:** Tom Lyden (202) 622-3920.

**Treasury attorney:** P. Val Strehlow (202) 622-0869.

**Agency Contact:** James W.C. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3950

**RIN:** 1545-AP73

### 3095. CHARITABLE CONTRIBUTIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 861

**Legal Deadline:** None



## TREAS—IRS

## Final Rule Stage

**Abstract:** Proposed section 1.861-8(e) would provide new guidance regarding the allocation of charitable deductions to U.S. or foreign source income. A taxpayer would allocate such a deduction solely to U.S. source income if he designated the contribution for U.S. use and reasonably believed that it would be so used. He would allocate such a deduction solely to foreign source income if he knows or has reason to know that it would be used solely outside the United States or that it must necessarily be so used. In all other cases, he would ratably apportion such a deduction.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/91	56 FR 10395
Hearing	08/01/91	56 FR 23823
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-116-90

Drafting attorney: Carl M. Cooper (202) 622-3840.

Reviewing attorney: Charles C. Saverude (202) 622-3800.

Treasury attorney: P. Ann Fisher (202) 622-1755.

**Agency Contact:** Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AP30

### 3096. ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND CERTAIN OTHER EXPENSES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Notice of proposed rulemaking by cross-reference to temporary regulations providing rules for affiliated group allocation and apportionment of expenses other than interest that are not traceable to specific income-producing activities or property of corporations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/91	56 FR 10397
Hearing	06/21/91	56 FR 21640
Interim Final Rule	04/15/92	57 FR 13019
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-952-86

Drafting attorney: David F. Bergkuist or Judith Cavell (202) 622-3860.

Reviewing Attorney: Charles Saverude (202) 622-3800.

Treasury Attorney: Emily McMahon (202) 622-1763.

**Agency Contact:** David F. Bergkuist/Judith Cavell, Attorney-Advisors, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AM20

### 3097. TREATMENT OF RELATED PERSON FACTORING INCOME; CERTAIN INVESTMENTS IN UNITED STATES PROPERTY; AND STOCK REDEMPTIONS THROUGH RELATED CORPORATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986; 26 USC 958 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These rules will relate to the treatment of income derived by foreign corporations from factoring the receivables of related persons, rules relating to certain investments in U.S. property and stock redemptions through related corporations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/88	53 FR 22186
NPRM Comment Period End	08/15/88	53 FR 22186
Hearing	02/09/89	53 FR 49895
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** INTL-49-86.

Drafting attorney: William T. Lundeen (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Treasury attorney: Carol Dunahoo (202) 622-0726.

**Agency Contact:** William T. Lundeen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AH85

### 3098. COMPUTATION OF INTEREST EXPENSE DEDUCTION

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 882 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will revise the rules for the computation of the interest expense deduction of a foreign corporation.

**Timetable:**

Action	Date	FR Cite
NPRM	04/24/92	57 FR 15038
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-309-88

Drafting attorney: Karl T. Walli (202) 622-3870.

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870

Treasury attorney: Emily McMahon (202) 622-1763.

**Agency Contact:** Karl T. Walli, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC, 202 622-3870

**RIN:** 1545-AL84

### 3099. BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND 2ND LEVEL WITHHOLDING TAXES

**Significance:** Regulatory Program



## TREAS—IRS

## Final Rule Stage

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance on the calculation of the branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

**Timetable:**

Action	Date	FR Cite
NPRM	09/02/88	53 FR 34120
Hearing	01/17/89	53 FR 49208
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-934-86

Drafting attorney: Elizabeth U. Karzon (202) 622-2860.

Reviewing attorney: Benedetta A. Kissel (202) 622-3810.

Treasury attorney: Ann Fisher (202) 622-1755.

**Agency Contact:** Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AJ73

**3100. ● FINAL REGULATIONS UNDER SECTION 1.884-2**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 1.884

**Legal Deadline:** None

**Abstract:** This regulation will finalize temporary regulations that provide special rules for termination or incorporation of a U.S. trade or business or liquidation or reorganization of a foreign corporation or its domestic subsidiary.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-027-92

Drafting attorney: Elizabeth U. Karzon (202) 622-3860.

Reviewing attorney: Benedetta A. Kissel (202) 622-3810.

Treasury attorney: P. Ann Fisher (202) 622-1755.

**Agency Contact:** Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AQ73

**3101. INCOME OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 892 (c) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Notice of Proposed Rulemaking by Cross-reference to temporary regulations regarding the taxation of income of foreign governments and international organizations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/27/88	53 FR 24100
NPRM Comment Period End	08/26/88	53 FR 24100
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-285-88

Drafting attorney: David A. Juster (202) 622-3850.

Reviewing attorney: Bernard T. Bress (202) 622-3850.

Treasury attorney: Unassigned.

**Agency Contact:** David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

**RIN:** 1545-AL93

**3102. NOTICE OF PROPOSED RULEMAKING—NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal would provide rules concerning the effect of certain distributions including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16233
Hearing	03/01/89	54 FR 1189
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-491-87

Drafting attorney: Leslie A. Cracraft (202) 622-3860.

Reviewing attorney: Charles C. Saverude (202) 622-3810.

Treasury attorney: Peter Marrs (202) 622-0724.

**Agency Contact:** Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AK79

**3103. ● NOTICE 92-12 SCHEDULE III**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(k) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.897-4T

**Legal Deadline:** None

**Abstract:** This regulation deals with the removal of section 1.897-4: Special



Election under Section 897(k) for Certain Foreign Corporations, acquisitions of which were begun before November 26, 1980; and 12.5: Transfer to a DISC of assets of export trade corporations.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-035-92

Drafting attorney: Carl M. Cooper (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Treasury attorney: Peter Marrs (202) 622-0724.

**Agency Contact:** Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AQ79

**3104. APPLICATION OF SECTION 904 TO INCOME SUBJECT TO SEPARATE LIMITATIONS AND SECTION 864(E) AFFILIATED GROUP EXPERT ALLOCATION RULES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904(d)(5) Internal Revenue Code of 1986; 26 USC 864(e)(7) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will modify proposed income tax regulations relating to the affiliated group expense allocation rules of section 864(e)(5) and (6). In addition, the regulations will propose changes to the section 904(d) foreign tax credit limitation regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/14/92	57 FR 20660
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-001-92

Drafting attorney: Caren S. Shein (202) 622-3850.

Reviewing attorney: Carol Doran-Klein (202) 622-3850.

Treasury attorney: Emily McMahon (202) 622-1763.

**Agency Contact:** Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AQ43

**3105. INCOME TAX—TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 (c) Internal Revenue Code of 1986; 26 USC 6689 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 301; 26 CFR 602

**Legal Deadline:** None

**Abstract:** The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23659
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-61-86

Drafting attorney: Laura C. Apfelbaum (202) 622-3850.

Reviewing attorney: Carol Doran Klein (202) 622-3850.

Treasury attorney: P. Ann Fisher (202) 622-1755.

**Agency Contact:** Laura C. Apfelbaum, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AC09

**3106. FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION AND OTHER SPECIAL RULES FOR FSC**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 925(b)(1) Internal Revenue Code of 1986; 26 USC 925(b)(2) Internal Revenue Code of 1986; 26 USC 927(d)(2)(B) Internal Revenue Code of 1986; 26 USC 927(e)(1) to 927(e)(2) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal would provide rules for application of the FSC transfer pricing rules, distributions, dividends received, deductions and other special FSC provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6467
NPRM Comment Period End	05/02/87	52 FR 6467
Hearing	01/19/88	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** INTL-153-88.

Drafting attorney: Richard L. Chewning (202) 622-3870.

Reviewing attorney: Carol Doran Klein (202) 622-3850.

Treasury attorney: Unassigned.

**Agency Contact:** Richard L. Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AI16

**3107. INCOME TAX—DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO & POSSESSION TAX CREDIT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(2) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None



## TREAS—IRS

## Final Rule Stage

**Abstract:** This regulation will provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2726
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-44-86

Drafting attorney: W. Edward Williams (202) 874-1490.

Reviewing attorney: George M. Sellinger (202) 874-1490.

Treasury attorney: Unassigned.

**Agency Contact:** W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South SW., Washington, DC 20024, 202 874-1490

**RIN:** 1545-AC10

**3108. CBI INVESTMENTS OF SECTION 936 FUNDS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(4) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Will define investments made in qualified Caribbean Basin countries that give rise to interests or dividends available for the section 936 credit.

**Timetable:**

Action	Date	FR Cite
NPRM	05/13/91	56 FR 21963
Hearing	07/12/91	56 FR 21963
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-088-89

Drafting attorney: W. Edward Williams (202) 874-1490.

Reviewing attorney: George M. Sellinger (202) 874-1490.

Treasury attorney: Unassigned.

**Agency Contact:** W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950

L'Enfant Plaza South SW., Washington, DC 20024, 202 874-1490

**RIN:** 1545-AM91

**3109. INSURANCE INCOME**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation defines related person insurance income; and sets forth rules regarding the amount of related person insurance income to be included in gross income. In addition, the regulation defines insurance income under section 953(a), prescribes rules of allocation and apportionment of deductions, and prescribes rules for the interaction of subchapter L and subchapter N.

**Timetable:**

Action	Date	FR Cite
NPRM	04/17/91	56 FR 15540
Public Hearing	06/21/91	56 FR 15570
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-939-86

Drafting attorney: Valerie A. Mark (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Treasury attorney: Carol Dunahoo (202) 622-0726.

**Agency Contact:** Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AJ70

**3110. SUBPART F DEFINITIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 957 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Definition of FPHC income. Particular issues include income equivalent to interest of property which does not give rise to income.

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/88	53 FR 27532
Hearing	02/09/89	53 FR 49895
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-362-88

Drafting attorney: James K. Sams (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Treasury attorneys: Carol Dunahoo (202) 622-0726.

**Agency Contact:** James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AM15

**3111. ● USE OF GAAP EARNINGS AS E&P OF FOREIGN CORPORATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 964 Internal Revenue Code of 1986; 26 USC 952 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations are proposed as part of Treasury's ongoing simplification efforts. The proposed regulations would modify the computation of earnings and profits (E&P) of foreign corporations by allowing taxpayers to account for inventory costs using capitalization methods used for financial accounting purposes rather than the uniform capitalization rules required by section 263A. The proposed regulations would also permit reliance on financial accounting conventions in computing depreciation for foreign corporations deriving less than 20% of gross income from U.S. sources and maintaining assets with tax bases not materially different from financial book bases. Use of these simplified rules may result in an accounting method change which would ordinarily require the filing of Form 3115 (Application for Change in Accounting Method). However, the proposed regulations waive this filing requirement if its conditions are met.



**Timetable:**

Action	Date	FR Cite
NPRM	07/01/92	57 FR 29246
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-018-92

Drafting attorney: Margaret A. Hogan (202) 622-3870.

Reviewing attorney: Barbara A. Felker (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Margaret A. Hogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AQ55

**3112. COMPUTATION AND CHARACTERIZATION OF INCOME OF EARNINGS AND PROFITS UNDER THE DOLLAR APPROXIMATE SEPARATE TRANSACTIONS METHOD OF ACCOUNTING (DASTM)**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1988; 26 USC 985 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will address the computation of income in hyperinflationary environments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/17/91	56 FR 32525
Hearing	09/13/91	56 FR 32533
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-029-91

Drafting attorney: Teresa B. Hughes (202) 622-3870.

Reviewing attorney: Barbara A. Felker (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AP70

**3113. EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will develop procedures for foreign corporations or U.S. shareholders to make tax elections in computing functional currency earnings and profits under the 1986 Code.

**Timetable:**

Action	Date	FR Cite
NPRM	01/25/90	55 FR 2535
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-087-89

Drafting attorney: Margaret A. Hogan (202) 622-3870.

Reviewing attorney: Barbara A. Felker (202) 622-3870.

Treasury attorney: Unassigned.

**Agency Contact:** Margaret A. Hogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AM90

**3114. COMPUTATION OF A BRANCH'S TAXABLE INCOME TAXATION OF EXCHANGE GAIN OR LOSS ON BRANCH REMITTANCES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Branch rules on how to translate branch income. Taxation of exchange gain or loss on branch remittances.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48457
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-965-88

Drafting attorney: Carol E. Murphy (202) 622-3870.

Reviewing attorney: Barbara Felker (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AM12

**3115. MARK-TO-MARKET METHOD OF ACCOUNTING UNDER SECTION 988**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989(c) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations allow taxpayers to elect to account for exchange gains and losses under a mark-to-market method of accounting. The proposed regulation also addresses other matters including dual currency bonds, contingent payment bonds denominated in a nonfunctional currency, hyperinflationary instruments and certain hedging transactions.

**Timetable:**

Action	Date	FR Cite
NPRM	03/17/92	57 FR 9217
Final Action	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** INTL-015-91

Drafting attorney: Jacob Feldman (202) 622-3870.

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Jacob Feldman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AP78



## TREAS—IRS

## Final Rule Stage

**3116. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO INTEREST CHARGE DISCS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 995 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The Regulations will provide guidance relating to the Interest Charge imposed on DISC shareholders for taxable years ending after 1984. The regulations will explain how the Deemed Distribution is computed and how the Interest Charge is computed.

**Timetable:**

Action	Date	FR Cite
NPRM	02/02/87	52 FR 3256
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-043-86.

Drafting attorney: David Bergkuist (202) 622-3860.

Reviewing attorney: Jacob Feldman (202) 622-3870.

Treasury attorney: Unassigned.

**Agency Contact:** David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

**RIN:** 1545-AG71

**3117. INCOME TAX—TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide that so long as the provisions of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/83	48 FR 33912
NPRM Comment	09/26/83	48 FR 33912
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-182-78.

Drafting attorney: Mark Smith (202) 622-3452.

Reviewing attorney: Al Kraft (202) 622-3920.

**Agency Contact:** Mark Smith, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3452

**RIN:** 1545-AC20

**3118. CERTAIN PAYMENTS MADE PURSUANT TO A SECURITIES LENDING TRANSACTION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 894 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations concern the source, character and income tax treaty treatment of substitute interest and dividend payments made pursuant to a transfer of securities described in section 1058(a) or a substantially similar transaction between a U.S. person and a foreign person. To determine the source and character of cross-order substitute payments, a substitute payment will be treated as interest or dividend income received with respect to the transferred security. Where a treaty looks to U.S. law to define a payment subject to a withholding tax, a substitute payment will be treated as interest or dividend income with respect to the transferred security.

**Timetable:**

Action	Date	FR Cite
NPRM	01/09/92	57 FR 860
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-106-89

Drafting Attorney: Teresa B. Hughes (202) 622-3870.

Reviewing Attorney: Barbara A. Felker (202) 622-3870.

Treasury Attorney: Emily McMahon (202) 622-1763.

**Agency Contact:** Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

**RIN:** 1545-AP71

**3119. INCOME TAX—SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC 755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain informational reporting requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/88	53 FR 27053
NPRM Comment	11/15/88	53 FR 32899
Period End		
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-119-86.

Drafting attorney: Judith C. Winkler (202) 622-7770.

Reviewing attorney: Charles Whedbee (202) 622-7750.

Treasury attorney: Judd Kelly (202) 622-1339.

**Agency Contact:** Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111



## TREAS—IRS

Final Rule Stage

Constitution Avenue NW., Washington, DC 20224, 202 622-7770

RIN: 1545-AJ06

**3120. CHARACTER OF GAINS AND LOSSES IN CASE OF STRADDLES WHERE AT LEAST ONE POSITION IS ORDINARY AND AT LEAST ONE POSITION IS CAPITAL**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance with respect to the timing and character of gains and losses in case of straddles where at least one position is ordinary and at least one position is capital.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-106-88

Drafting attorney: Robert B. Williams (202) 622-3950.

Reviewing attorney: Alice Bennett (202) 622-3950.

**Agency Contact:** Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3950

RIN: 1545-AM57

**3121. INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092(b)(1) Internal Revenue Code of 1986; 26 USC 1092(b)(2) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3351
NPRM Comment	03/25/85	50 FR 3351
Period End		
Hearing	05/02/85	
Final Action	12/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-299-84.

Drafting attorney: Robert B. Williams (202) 622-3950.

Reviewing attorney: Alice Bennett (202) 622-3950.

**Agency Contact:** Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3952

RIN: 1545-AH59

**3122. INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules relating to tax straddles. The regulations will explain the general loss deferral rule under section 1092, and the application of rules similar to section 1091 and 1233 to straddles.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3352
NPRM Comment	03/25/85	50 FR 3352
Period End		
Hearing	05/02/85	
Final Action	12/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-297-84.

Drafting attorney: Robert B. Williams (202) 622-3950.

Reviewing attorney: Alice Bennett (202) 622-3950.

Treasury attorney: Unassigned

**Agency Contact:** Robert B. Williams, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3950

RIN: 1545-AH60

**3123. INCOME TAX—GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

**Timetable:**

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39512
NPRM Comment	08/11/80	45 FR 39512
Period End		
Hearing	09/09/80	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-276-76.

Drafting attorney: Brenda Stewart (202) 622-3120.

Reviewing attorney: Charles Ramsey (202) 622-3110.

Treasury attorney: Barksdale Penick (202) 622-1335.

**Agency Contact:** Brenda Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AC35



## TREAS—IRS

## Final Rule Stage

**3124. REGULATIONS UNDER SECTIONS 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT****Significance:** Regulatory Program**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computed under a constant yield method. Guidance is also provided as to the computation of original issue discount in special circumstances. A separate regulations project for contingent and variable instruments has been established (FI-59-91).

**Timetable:**

Action	Date	FR Cite
NPRM	05/08/86	51 FR 12022
Hearing	11/17/86	51 FR 24162
NPRM	07/12/91	56 FR 31887
Hearing	08/23/91	56 FR 31890
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional information:** FI-189-84.

Drafting attorney: William E. Blanchard (202) 622-3930.

Reviewing attorney: Andrew Kittler (202) 622-3940.

Treasury attorney: Anne Alstott (202) 622-0865.

**Agency Contact:** William E. Blanchard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3930

**RIN:** 1545-AH46**3125. THE TREATMENT OF PRICE LEVEL ADJUSTMENT MORTGAGES UNDER THE ORIGINAL ISSUE DISCOUNT PROVISIONS OF THE CODE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275(d) Internal Revenue Code of 1986; 26 USC 163(h) Internal Revenue Code of 1986;

26 USC 6050H Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** Final, Statutory, January 8, 1993.  
Section 7805(e)(2)

**Abstract:** The regulations provide rules concerning the treatment of a price level adjusted mortgage under the provisions of the Code concerning original issue discount and qualified residence interest. The regulations also clarify the meaning of the term "interest" for purposes of information reporting for mortgage interest.

**Timetable:**

Action	Date	FR Cite
NPRM	01/09/90	55 FR 739
NPRM Comment Period End	04/09/90	55 FR 739
Final Action	01/00/93	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional information:** FI-064-89

Drafting attorney: William E. Blanchard (202) 622-3930.

Reviewing attorney: Andrew Kittler (202) 622-3940.

Treasury attorney: Heidi Ebel (202) 622-1343.

**Agency Contact:** William E. Blanchard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3930

**RIN:** 1545-AO03**3126. OID ON CERTAIN STRIPPED BONDS AND STRIPPED COUPONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1286 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These regulations will provide guidance on the treatment of OID on certain stripped bonds and stripped coupons pursuant to section 1286(a).

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/91	56 FR 38399

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Additional information:** FI-19-85

Drafting attorney: Mark S. Smith (202) 622-3452.

Reviewing attorney: Sharon Galm (202) 622-3920.

**Agency Contact:** Mark Smith, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3452

**RIN:** 1545-AQ03**3127. TREATMENT OF SHAREHOLDERS OF PASSIVE FOREIGN INVESTMENT COMPANIES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1291 Internal Revenue Code of 1986; 26 USC 1293 Internal Revenue Code of 1986; 26 USC 1297 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation relates to the treatment of shareholders of passive foreign investment companies.

**Timetable:**

Action	Date	FR Cite
NPRM	04/01/92	57 FR 11024
Final Action	00/00/00	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional information:** INTL-656-87

Drafting attorney: Gayle Novig (202) 622-3880.

Reviewing attorney: Tom Fuller (202) 622-3880.

Treasury attorney: Anne Fisher (202) 622-1755.

**Agency Contact:** Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3880

**RIN:** 1545-AC06**3128. MARKET-TO-MARKET ELECTION BY REGULATED INVESTMENT COMPANIES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1291 Internal Revenue Code of 1986; 26 USC 1293 Internal Revenue Code of 1986; 26



USC 1297 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation relates to the treatment of shareholders of passive foreign investment companies.

**Timetable:**

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-656-87

Drafting attorney: Gayle Novig (202) 622-3880.

Reviewing attorney: Thomas Fuller (202) 622-3880.

Treasury attorney: P. Ann Fisher (202) 622-1755.

**Agency Contact:** Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

**RIN:** 1545-AQ52

**3129. PASSIVE FOREIGN INVESTMENT COMPANIES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1294 Internal Revenue Code of 1986; 26 USC 1297(b)(1) Internal Revenue Code of 1986; 26 USC 1291(d)(2) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Provide guidance to passive foreign investment companies and their shareholders that are United States persons about the time, manner and other requirements for making certain elections.

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/88	53 FR 6781
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-941-86

Drafting attorney: Gayle Novig (202) 622-3880.

Reviewing attorney: Tom Fuller (202) 622-3880.

Treasury attorney: Anne Fisher (202) 622-1755.

**Agency Contact:** Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

**RIN:** 1545-AI33

**3130. INCOME TAX—DEFINITION OF S CORPORATION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would address the following matters: (1) the number of permitted shareholders of a small business corporation, (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/87	51 FR 35659
NPRM Comment	12/08/87	
Period End		

Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-262-82.

Drafting Attorney: Dina Del Principe (202) 622-3060.

Reviewing Attorney: Thomas Hines (202) 622-3060.

Treasury Attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Dina Del Principe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

**RIN:** 1545-AE86

**3131. AMENDMENT OF INCOME TAX REGULATIONS UNDER CODE SECTIONS 1362 AND 1363 RELATING TO THE ELECTION, REVOCATION, AND TERMINATION OF AN S CORPORATION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1362 Internal Revenue Code of 1986; 26 USC 1363 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide guidelines for electing, revoking and terminating S corporation status.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52190
NPRM	04/17/92	57 FR 13676
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-260-82.

Drafting Attorney: Andrea Tucker (202) 622-3080.

Reviewing Attorney: Margaret O'Connor (202) 622-3070.

Treasury Attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Andrea Tucker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AE26

**3132. INCOME TAX—RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATION AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1367 Internal Revenue Code of 1986; 26 USC 1368 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations would provide rules for adjusting the basis of stock of a shareholder in an S corporation and rules for determining the treatment of property distributions by an S corporation.



## TREAS—IRS

## Final Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	06/09/92	57 FR 24426
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-264-82.

**Drafting Attorney:** Christine Ellison (202) 622-3080.

**Reviewing Attorney:** Margaret O'Connor (202) 622-3070.

**Treasury Attorney:** James Miller (202) 622-1768.

**Agency Contact:** Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AE88

### 3133. WITHHOLDING ON ITEMS OF INCOME COVERED BY AN INCOME TAX CONVENTION

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 301

**Legal Deadline:** None

**Abstract:** These regulations relate to the withholding on certain items of income subject to a reduced rate of, or exemption from, U.S. tax under an income tax convention to which the United States is a party. These regulations would amend the existing regulations to provide a certification requirement for obtaining reduced rates of, or exemption from, U.S. withholding tax on payments of fixed or determinable annual or periodical income and certain other income.

## Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35511
NPRM Comment Period End	11/09/84	49 FR 35511
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-176-88

**Drafting attorney:** Lilo A. Hester (202) 874-1490.

**Reviewing attorney:** George M. Sellinger (202) 874-1490.

**Treasury attorney:** P. Ann Fisher (202) 622-1755.

**Agency Contact:** Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South SW., Suite 3319, Washington, DC 20024, 202 874-1490

**RIN:** 1545-AH88

### 3134. WITHHOLDING OF TAX ON NON-RESIDENT ALIENS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1441

**Legal Deadline:** None

**Abstract:** Section 864(c)(6) of the Code, added in 1986, had the unintended effect of allowing nonresident alien individuals to elect out of all withholding on pension payments from qualified plans. The regulation corrects this inadvertent loophole and requires withholding on such payments.

## Timetable:

Action	Date	FR Cite
NPRM	02/05/90	55 FR 3750
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State, Federal

**Additional Information:** INTL-660-89

**Drafting attorney:** Carol P. Tello (202) 622-3880.

**Reviewing attorney:** Thomas D. Fuller (202) 622-3880.

**Treasury attorney:** P. Ann Fisher (202) 622-1755.

**Agency Contact:** Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

**RIN:** 1545-AN75

### 3135. GENERAL REVISION OF SECTION 1441 REGULATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** General revision of section 1441 withholding regulations to

accommodate changes to the tax law since these rules were issued.

## Timetable:

Action	Date	FR Cite
ANPRM	04/25/90	55 FR 17455
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** INTL-062-90

**Drafting attorney:** Eric P. Turner (202) 622-3880.

**Reviewing attorney:** Charles Saverude (202) 622-3800.

**Treasury attorney:** Unassigned.

**Agency Contact:** Eric P. Turner, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

**RIN:** 1545-AO27

### 3136. TEMPORARY REGULATION ON WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation explains under what circumstances withholding is required under section 1446. It also explains the timing of withholding and how to pay over the withheld amounts to the Internal Revenue Service. Section 1446 was substantially amended by the Technical and Miscellaneous Revenue Act of 1988.

## Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-938-86

**Drafting attorney:** Thomas L. Ralph (202) 622-3880.

**Reviewing attorney:** Jeffrey L. Dorfman (202) 622-3880.

**Treasury attorney:** Unassigned.



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**Agency Contact:** Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880  
**RIN:** 1545-AL32

**3137. CONSOLIDATED RETURN REGULATIONS; ADJUSTMENT ON DISPOSITION OF STOCK OF SUBSIDIARY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will finalize temporary regulation 1.1502-32T concerning basis reduction accounts that are created when a subsidiary is deconsolidated but members of the affiliated group retain some stock in the deconsolidated subsidiary.

**Timetable:**

Action	Date	FR Cite
NPRM	03/14/88	53 FR 8773
NPRM Comment Period End	05/16/88	53 FR 8773

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-28-88

**Drafting attorney:** Steven Teplinsky (202) 622-7770.

**Reviewing attorney:** John Broadbent (202) 622-7710.

**Agency Contact:** Steve Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AL59

**3138. ADJUSTMENTS REFLECTING A RESTRUCTURING OF A CONSOLIDATED GROUP**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides rules for determining the basis and the earnings and profits of members of a consolidated group following certain

changes in the structure of the group where the group remains in existence. This regulation also provides for alternative agents of the group if the common parent ceases to be the common parent.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34779
Public Hearing Discussing the Issues Discussed in the NPRM	09/18/89	54 FR 28683
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-86-88

**Drafting attorney:** Steven Teplinsky (202) 622-7770.

**Reviewing attorney:** John Broadbent (202) 622-7710.

**Treasury attorney:** Andrew Dubroff (202) 622-1766.

**Agency Contact:** Steven Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AL62

**3139. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS REGARDING DEFERRAL OF GAIN OR LOSS ON COMPLETE LIQUIDATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1502-13

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance relating to the treatment of gain recognized upon complete liquidations of corporations in a consolidated group.

**Timetable:**

Action	Date	FR Cite
NPRM	04/18/88	53 FR 12705
NPRM Comment Period End	06/17/88	53 FR 12705

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-47-88

**Drafting attorney:** Roy Hirschhorn (202) 622-7770.

**Reviewing attorney:** Edward S. Cohen (202) 622-7760.

**Treasury attorney:** Andrew Dubroff (202) 622-1778.

**Agency Contact:** Roy Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AL63

**3140. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS TO ADDRESS TREATMENT OF ORGANIZATIONS WHOSE TAX EXEMPT STATUS WAS REPEALED BY THE 1986 ACT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 833 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will specify the consolidated return ramifications of the revocation of the tax-exempt status of certain organizations by section 1012 of the Tax Reform Act of 1986.

**Timetable:**

Action	Date	FR Cite
NPRM	09/05/90	55 FR 36290
NPRM Comment Period End	11/06/90	55 FR 36290
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-028-89

**Drafting Attorney:** David Friedel (202) 622-7770.

**Reviewing Attorney:** Edward S. Cohen (202) 622-7760.

**Treasury Attorney:** J. Judge Kelley (202) 622-1339.

**Agency Contact:** David Friedel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AM49



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**3141. CONSOLIDATED RETURN REGULATIONS—MODIFICATION OF RESTORATION RULES RELATING TO DEFERRED GAIN PROPERTY SOLD OUTSIDE THE GROUP IN INSTALLMENT SALE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.453A; 26 CFR 1.1502

**Legal Deadline:** None

**Abstract:** The regulations provide rules concerning the creation and restoration of deferred gain or loss. The purpose of the regulations is to conform the original intent of the deferral mechanism by assuring that intercompany transfers generally do not affect the overall federal income tax consequences of the group.

**Timetable:**

Action	Date	FR Cite
NPRM	03/14/90	55 FR 9462
NPRM Comment Period End	05/14/90	55 FR 9462
Hearing	07/09/90	55 FR 9461

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-008-90

Drafting attorney: Roy Hirschhorn (202) 622-7770.

Reviewing attorney: Edward Cohen (202) 622-7760.

Treasury attorney: Judge Kelley (202) 622-1339.

**Agency Contact:** Roy Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AO44

**3142. LIMITATIONS ON THE USE OF CERTAIN LOSSES AND BUILT-IN DEDUCTIONS**

**Legal Authority:** 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposed regulations provide rules for computing the limitation with respect to separate return limitation year losses.

**Timetable:**

Action	Date	FR Cite
NPRM	02/04/91	56 FR 4229
NPRM Comment Period End	03/29/91	56 FR 4229
Hearing	04/08/91	56 FR 4243
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-078-90

Drafting attorney: David Madden (202) 622-7540.

Reviewing attorney: Charles Whedbee (202) 622-7750.

Treasury attorney: Andrew Dubroff (202) 622-1766.

**Agency Contact:** David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7540

**RIN:** 1545-AP15

**3143. DUAL RESIDENT COMPANIES—LIMITATION ON CONSOLIDATED LOSSES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503 (d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Legal Deadline:** None

**Abstract:** If a U.S. corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a U.S.-affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for United States tax purposes, its loss will be available to offset.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/89	54 FR 37346
NPRM Comment Period End	11/07/89	54 FR 37346
Hearing	03/02/90	55 FR 310
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-399-88

Drafting attorney: Sim S. Seo (202) 622-3840.

Reviewing attorney: David Bower (202) 622-3840.

Treasury attorney: Peter Marrs (202) 622-0724.

**Agency Contact:** Sim S. Seo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AM16

**3144. INCOME TAX—AMENDMENT OF REGULATIONS UNDER SECTION 1504(A) OF THE CODE, AS AMENDED BY SECTION 60 OF THE TAX REFORM ACT OF 1984, DEFINING "AFFILIATED GROUP"**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules defining "affiliated group" for purposes of subtitle A of the Code.

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/92	57 FR 7340
NPRM Comment Period End	03/31/92	

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-152-84.

Drafting attorney: Kenneth Cohen (202) 622-7790.

Reviewing attorney: Edward Cohen (202) 622-7760.

Treasury Attorney: J. Judge Kelley (202) 622-1339.

**Agency Contact:** Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7790

**RIN:** 1545-AH09

**3145. CROSS-REFERENCE—ALASKA NATIVE CORPORATIONS; REQUIREMENTS FOR AFFILIATION IN ORDER TO FILE A CONSOLIDATED RETURN**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504



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Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal will provide rules relating to the affiliated requirements of Alaska Native Corporations with certain other corporations in order to file a consolidated return.

**Timetable:**

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8471
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-23-87

**Drafting attorney:** Mark S. Jennings (202) 622-7530.

**Reviewing attorney:** Don Leatherman (202) 622-7520.

**Agency Contact:** Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7530

**RIN:** 1545-AK88

**3146. ESTATE & GIFT TAXES—INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036 (a) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 20

**Legal Deadline:** None

**Abstract:** These regulations will provide the extent to which the retention of voting rights by a transferor of stock will require that the value of that stock be included in the transferor's gross estate.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/83	48 FR 35143
NPRM Comment	11/03/83	48 FR 35143
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-181-76.

**Drafting attorney:** Fred E. Grundeman (202) 377-9660.

**Reviewing attorney:** Lee Dunn (202) 622-3090.

**Treasury attorney:** Robert Weaver (202) 622-0871.

**Agency Contact:** Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AC63

**3147. ESTATE AND GIFT TAXES—INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2012 Internal Revenue Code of 1986; 26 USC 2014 Internal Revenue Code of 1986; 26 USC 2055 Internal Revenue Code of 1986; 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2207A Internal Revenue Code of 1986; 26 USC 2519 Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 6019 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 20; 26 CFR 25

**Legal Deadline:** None

**Abstract:** These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executor may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

**Timetable:**

Action	Date	FR Cite
NPRM	05/21/84	49 FR 21350
NPRM Comment	07/20/84	49 FR 21350
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-211-76.

**Drafting Attorney:** Susan Hurwitz (202) 622-3090.

**Reviewing Attorney:** George Masnik (202) 622-3090.

**Treasury Attorney:** Robert Weaver (202) 622-0871.

**Agency Contact:** Susan Hurwitz, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090  
**RIN:** 1545-AC67

**3148. ESTATE TAX—GENERATION SKIPPING TRANSFER TAX**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 26; 26 CFR 26a

**Legal Deadline:** None

**Abstract:** The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation skipping transfers.

**Timetable:**

Action	Date	FR Cite
NPRM	03/15/88	53 FR 8469
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-128-86.

**Drafting attorney:** John B. Franklin (202) 622-3090.

**Reviewing attorney:** Fred E. Grundeman (202) 622-3090.

**Treasury attorney:** Robert Weaver (202) 622-0871.

**Agency Contact:** John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AJ11

**3149. EXPLAIN RULES UNDER NEW SECTION 2704**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2701 Internal Revenue Code of 1986; 26 USC 2702 Internal Revenue Code of 1986; 26 USC 2704 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 25

**Legal Deadline:** None

**Abstract:** Special adjustment provisions where interests previously valued under



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sections 2701 and 2702 are subsequently transferred.

**Timetable:**

Action	Date	FR Cite
NPRM	09/11/91	56 FR 46244
Hearing	11/01/91	56 FR 46244
NPRM Comment	11/04/91	56 FR 46244
Period End		
Amended NPRM	02/04/92	57 FR 4279
Final Action	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** PS-030-91

Drafting attorney: Fred Grundeman (202) 622-3090.

Reviewing attorney: Lee Dunn (202) 622-3090.

Treasury attorney: Robert Weaver (202) 622-0871.

**Agency Contact:** Fred Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AM86

### 3150. EMPLOYMENT TAX—TO REQUIRE WITHHOLDING OF SOCIAL SECURITY AND RAILROAD RETIREMENT TAX FROM CERTAIN PAYMENTS OF SICK PAY

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3231 Internal Revenue Code of 1986; PL 97-123, Sec 3

**CFR Citation:** 26 CFR 31

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance to third parties paying sick pay which is subject to social security or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

**Timetable:**

Action	Date	FR Cite
Final Action	01/01/82	
Effective		
NPRM	07/06/82	47 FR 29266
NPRM Comment	09/06/82	
Period End		
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-23-82.

Drafting attorney: Renay France (202) 622-4910.

Reviewing attorney: John M. Coulter (202) 622-4910.

**Agency Contact:** Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AC77

### 3151. TO PROVIDE REGULATIONS RELATING TO BACKUP WITHHOLDING UNDER SECTION 3406

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 31

**Legal Deadline:** None

**Abstract:** The regulations will provide that a tax equal to 20 percent of any reportable payment is required to be withheld if certain conditions exist. With respect to reportable interest or dividends, backup withholding applies if (1) no number is provided in the manner required, (2) the Service notifies the payor that the payee's taxpayer identification number is not correct, (3) the payee is subject to backup withholding due to a notified payee underreporting, and (4) the payee fails to certify when required that he or she is not subject to backup withholding due to notified payee underreporting. With respect to other reportable payments (such as rents, royalties, nonemployee compensation, broker transactions, or barter exchanges), backup withholding applies if (1) no taxpayer identification number is provided, or (2) the Service notifies the payor that the payee's taxpayer identification number is not correct.

**Timetable:**

Action	Date	FR Cite
NPRM	09/27/90	55 FR 39427
Hearing	03/04/91	55 FR 48867
NPRM	09/23/91	56 FR 47929
Hearing	11/19/91	56 FR 47921
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-224-82.

Drafting attorney: Renay France (202) 622-4910.

Reviewing attorney: John M. Coulter, Jr. (202) 622-4910.

Treasury attorney: Larry Garrett (202) 622-1778.

**Agency Contact:** Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AE20

### 3152. INFORMATION REPORTING AND BACKUP WITHHOLDING

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 31; 26 CFR 35a

**Legal Deadline:** None

**Abstract:** This regulation relates to the requirement that certain payments must be reported to the Internal Revenue Service and that in certain instances 20 percent of a reportable payment must be deducted and withheld under section 3406 of the Internal Revenue Code. However, where a foreign person is an exempt recipient or has submitted a Form W-8, 1001 or 4224, no reporting or backup withholding is required.

**Timetable:**

Action	Date	FR Cite
NPRM	02/29/88	53 FR 05991
Hearing	06/15/89	54 FR 11236
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-052-86

Drafting attorney: Teresa B. Hughes (202) 622-3870.

Reviewing attorney: Charles Saverude (202) 622-3870.

Treasury attorney: Emily McMahon (202) 622-1763.

**Agency Contact:** Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3870

**RIN:** 1545-AL99



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**3153. TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES—REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3508 Internal Revenue Code of 1986; 26 USC 3509 Internal Revenue Code of 1986; 26 USC 6041A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 31

**Legal Deadline:** None

**Abstract:** The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers. The proposed rules would also provide guidance for computing certain employer liability for employment taxes.

**Timetable:**

Action	Date	FR Cite
NPRM	01/07/86	51 FR 619
NPRM Comment Period End	03/10/86	51 FR 619
Hearing	06/18/86	
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-37-88.

Drafting attorney: Alfred Kelley (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

**Agency Contact:** Alfred Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6049

**RIN:** 1545-AE62

**3154. RETAIL EXCISE TAXES ON CERTAIN LUXURY ITEMS**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4004 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 48

**Legal Deadline:** None

**Abstract:** Rules relating to the retailers excise taxes on certain luxury items

**Timetable:**

Action	Date	FR Cite
NPRM	01/02/91	56 FR 36
NPRM Comment Period End	03/04/91	56 FR 36
Hearing	04/29/91	56 FR 11979
Next Action	Undetermined	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-094-90

Drafting attorney: Edward Madden (202) 622-3130.

Reviewing attorney: Jeffrey Nelson (202) 622-3130.

Treasury attorney: Hal Gann (202) 622-1333.

**Agency Contact:** Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

**RIN:** 1545-AP24

**3155. EXCISE TAX - EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS**

**Legal Authority:** 26 USC 4052 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 48

**Legal Deadline:** None

**Abstract:** These regulations will clarify the definition of first retail sale.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16882
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-17-86.

Drafting attorney: Edward Madden (202) 622-3130.

Reviewing attorney: Richard A. Kocak (202) 622-3130.

Treasury attorney: James Miller (202) 622-1768.

**Agency Contact:** Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3130

**RIN:** 1545-AI51

**3156. EXCISE TAX—EXCESS DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4981A Internal Revenue Code of 1986; 26 USC 4980A Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide rules for determining the amount of the excise tax on excess distributions from qualified retirement plans.

**Timetable:**

Action	Date	FR Cite
NPRM	12/10/87	52 FR 46782
NPRM Comment Period End	02/08/88	52 FR 46782
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-162-86

Drafting attorney: Marjorie Hoffman (202) 622-6030.

Reviewing attorney: A. Thomas Brisendine (202) 622-6030.

**Agency Contact:** Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

**RIN:** 1545-AI81

**3157. EXCISE TAX—ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS AND ESTATES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4986 to 4998 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 51

**Legal Deadline:** None

**Abstract:** These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy crude oil, and imputed newly discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.



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## Timetable:

Action	Date	FR Cite
NPRM	09/30/86	51 FR 34653
NPRM Comment Period End	12/01/86	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional information:** PS-225-81.

Drafting attorney: Lisa Shuman (202) 622-3120.

Reviewing attorney: Walter Woo (202) 622-3120.

Treasury attorney: Barksdale Penick (202) 622-1335.

Withdrawal notice in signature package.

**Agency Contact:** Lisa Shuman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3120

**RIN:** 1545-AC94

### 3158. EXCISE TAX—DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 51

**Legal Deadline:** None

**Abstract:** These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

## Timetable:

Action	Date	FR Cite
NPRM	09/25/86	51 FR 34095
NPRM Comment Period End	11/24/86	51 FR 34095
Hearing	02/25/87	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional information:** PS-34-82.

Drafting attorney: Lisa Shuman (202) 622-3120.

Reviewing attorney: Walter Woo (202) 622-3120.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 622-1335.

Withdrawal notice in signature package

**Agency Contact:** Lisa Shuman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3120

**RIN:** 1545-AD08

### 3159. EXCISE TAX—PART 54—PROCEDURE AND ADMINISTRATION—PART 301 — FILING OF RETURNS FOR PAYMENT OF PENSION EXCISE TAX ON REVERSIONS OF QUALIFIED PLAN ASSETS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 54; 26 CFR 602

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance regarding the payment of the excise tax by employers receiving reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

## Timetable:

Action	Date	FR Cite
NPRM	04/02/87	52 FR 10583
NPRM Comment Period End	06/01/87	52 FR 10583
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional information:** EE-151-86

Drafting Tax Law Specialist: Vernon Carter (202) 622-6070.

Reviewing Attorney: James L. Brokaw (202) 622-6070.

**Agency Contact:** Vernon Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

**RIN:** 1545-AI83

### 3160. INCOME TAX—AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

## Timetable:

Action	Date	FR Cite
NPRM	01/23/86	51 FR 3075
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional information:** IA-198-82.

Drafting attorney: Christopher Kehoe (202) 622-3080.

**Agency Contact:** Christopher Kehoe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AE40

### 3161. INFORMATION RETURNS REQUIRED OF UNITED STATES PERSONS WITH RESPECT TO CERTAIN FOREIGN CORPORATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6038 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 6038

**Legal Deadline:** None

**Abstract:** This notice of proposed rulemaking would clarify certain requirements of section 1.6038-2 of the income tax regulations relating to Form 5471 (Information Return requires of certain U.S. persons with respect to annual accounting periods of certain foreign corporations).

## Timetable:

Action	Date	FR Cite
NPRM	07/07/92	57 FR 29851
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None



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**Additional Information:** IL-079-91Drafting attorney: Carl Cooper (202)  
622-3840Reviewing attorney: David Bower (202)  
622-3840Treasury attorney: Charles Cope (202)  
622-1752.**Agency Contact:** Carl M. Cooper,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Ave. NW.,  
Washington, DC 20224, 202 622-3840

RIN: 1545-AQ06

**3162. REPORTING REQUIREMENTS  
CONCERNING CHANGES IN  
CORPORATE CONTROL OR CAPITAL  
STRUCTURE UNDER SECTION  
6043(C), I.R.C., AS AMENDED BY  
SECTION 7208(B) OF THE REVENUE  
RECONCILIATION ACT OF 1989****Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 6043(c)  
Internal Revenue Code of 1986; 26 USC  
6652(l) Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1; 26 CFR 301**Legal Deadline:** None**Abstract:** The purpose of the project is  
to implement the reporting requirements  
under section 6043(c) to provide the  
Internal Revenue Service information  
needed in order to more effectively  
examine the tax consequences of  
certain transactions in which control of  
a corporation is acquired or in which  
the capital structure of a corporation is  
changed, including in particular certain  
transactions that might be characterized  
as "leveraged buy-outs."**Timetable:**

Action	Date	FR Cite
NPRM	07/05/90	55 FR 27648
NPRM Comment Period End	08/06/90	55 FR 27648

Next Action Undetermined

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** CO-005-90Drafting attorney: Keith Stanley (202)  
622-7750.Reviewing attorney: Howard Staiman  
(202) 622-7750.Treasury attorney: Judge J. Kelley (202)  
622-1339.**Agency Contact:** Keith Stanley, Senior  
Attorney Department of the Treasury,Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-7750

RIN: 1545-AO46

**3163. INFORMATION RETURNS OF  
BROKER TRANSACTIONS****Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 6045  
Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations in this project  
clarify the definition of the term  
"commodity" for purposes of broker  
reporting. Rules are provided for  
determining whether personal property  
(including gold and silver) is a  
commodity. Generally, the term  
"commodity" is defined as personal  
property that is deliverable in  
satisfaction of a regulated futures  
contract, certain specified personal  
property that the secretary determines  
is to be treated as a commodity or any  
form or quality of or any interest in  
such personal property. The term  
"commodity" does not include a  
security, regulated futures contract,  
forward contract, or a form of tangible  
personal property if the gross proceeds  
from its sale exceed by more than 15  
percent its value as a commodity. The  
rules proposed include alternative  
methods (the "exact" and  
"approximate" methods) of tangible  
personal property valuation.**Timetable:**

Action	Date	FR Cite
NPRM	01/05/84	49 FR 646
NPRM Comment Period End	03/05/84	49 FR 646
Hearing	03/28/84	49 FR 645
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** IA-201-83.Drafting attorney: John Moriarty (202)  
622-4950.Reviewing attorney: David L. Crawford  
(202) 622-4950.**Agency Contact:** John Moriarty,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Ave. NW., Washington,  
DC 20224, 202 622-4950

RIN: 1545-AG02

**3164. INFORMATION RETURNS ON  
SALES THROUGH COD ACCOUNTS****Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 6045  
Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations provide a  
special rule for broker reporting with  
respect to transactions made through a  
cash on delivery account (COD). In  
addition, these regulations make  
technical corrections to the list of  
recipients exempted from coverage  
under the reporting requirement, and  
expand the class of brokers which  
qualify for the multiple broker rule.**Timetable:**

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22343
NPRM Comment Period End	07/30/84	49 FR 22343
Final Action	00/00/00	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** IA-62-84.Drafting attorney: John Moriarty (202)  
622-4950.Reviewing attorney: David L. Crawford  
(202) 622-4950.**Agency Contact:** John Moriarty,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Ave. NW., Washington,  
DC 20224, 202 622-4950

RIN: 1545-AG52

**3165. ● EXCEPTION TO REPORTING  
REQUIREMENTS OF SECTION 6045  
FOR PRODUCERS OF COMMODITIES****Legal Authority:** 26 USC 6045 Internal  
Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** Other, Judicial, May 31,  
1993.

OMB Approval (1545-1301)

**Abstract:** Addresses the information  
reporting requirements for sales of  
agricultural commodities effected by the  
brokers. Also, address whether sales of  
generic commodity certificates issued  
by the Commodity Credit Corporation  
are subject to reporting.



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## Timetable:

Action	Date	FR Cite
NPRM	03/06/92	57 FR 8098
Hearing	04/21/92	57 FR 8098
NPRM Comment	05/05/92	57 FR 8098
Period End		
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-41-91

Drafting attorney: John Moriarty (202) 622-4950.

Reviewing attorney: David Crawford (202) 622-4950.

Treasury attorney: Larry Garrett (202) 622-1778.

**Agency Contact:** John Moriarty, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

RIN: 1545-AQ15

### 3166. TO CLARIFY THE OBLIGATION OF BROKERS TO REPORT ORIGINAL ISSUE DISCOUNT ON FORM 1099

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Legal Deadline:** None

**Abstract:** The regulation explains the revised reporting requirements for original issue discount on debt instruments held by brokers and other middlemen as nominees to make it clear that a broker or middleman has an unqualified obligation to report original issue discount on certain debt instruments held as a nominee.

## Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 45131
NPRM Comment	02/17/87	51 FR 45131
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-144-85

Drafting attorney: Carol Nachman (202) 622-3950.

Reviewing attorney: Alice Bennett (202) 622-3950.

**Agency Contact:** Carol Nachman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3950

RIN: 1545-AM80

### 3167. AMEND AGGREGATION RULES FOR FILING REQUIREMENT

**Legal Authority:** 26 USC 60501 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.60501-1(b)(1)

**Legal Deadline:** None

**Abstract:** An amendment to the regulation is necessary as the result of a policy decision to revise Form 8300.

## Timetable:

Action	Date	FR Cite
NPRM	07/09/90	55 FR 28061
NPRM Comment	09/07/90	55 FR 28061
Period End		

Next Action Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Additional Information:** IA-041-89

Drafting attorney: Philip Scott (202) 622-4950.

Reviewing attorney: Vincent Cardella (202) 622-4960.

**Agency Contact:** Philip Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AN42

### 3168. ● VOICE SIGNATURES

**Significance:** Agency Priority

**Legal Authority:** 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.6012-7T; 26 CFR 1.6061-2T; 26 CFR 1.6065-2T

**Legal Deadline:** None

**Abstract:** The regulations will enable the Service to accept a voice signature in lieu of a handwritten signature. This will allow the Service to test the feasibility of voice signatures for one year with certain taxpayers who live in the geographic area of the Cincinnati district office. The regulations also

address the effect of the taxpayers using a voice signature.

## Timetable:

Action	Date	FR Cite
Temporary Regulation	10/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-15-92

Drafting attorney: Celia Gabrysh (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.

**Agency Contact:** Celia Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AQ67

### 3169. PROPOSED REGULATIONS UNDER SECTIONS 6111 AND 6709, RELATING TO TAX SHELTER REGISTRATION

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6111 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** This project will provide rules explaining what investments are tax shelters that must be registered with the Internal Revenue Service. The project will also provide rules relating to the persons required to register tax shelters and to the furnishing of tax shelter registration numbers to investors in tax shelters.

## Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 32728
NPRM Comment	10/15/84	49 FR 32728
Period End		
Hearing held	01/17/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-142-84.

Drafting attorney: Christopher Kehoe (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-3070.

**Agency Contact:** Christopher Kehoe, Attorney, Department of the Treasury,



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Internal Revenue Service, 1111  
Constitution Ave. NW., Washington,  
DC 20224, 202 622-3080

RIN: 1545-AG45

### 3170. 6114 REPORTING REQUIREMENTS WAIVED

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 6114  
Internal Revenue Code of 1986

**CFR Citation:** 28 CFR 301; 26 CFR 602

**Legal Deadline:** None

**Abstract:** The regulation will provide  
that reporting under section 6114 is  
required in situations where the  
residency of an individual is  
determined under a treaty and apart  
from the Code.

**Timetable:**

Action	Date	FR Cite
NPRM	04/27/92	57 FR 15272
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:**  
Undetermined

**Additional Information:** INTL-121-90

Drafting Attorney: David A. Juster (202)  
622-3850.

Reviewing Attorney: Carol Doran Klein  
(202) 622-3850.

Treasury Attorney: P. Ann Fisher (202)  
622-1755.

**Agency Contact:** David A. Juster,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW.,  
Washington, DC 20224, 202 622-3850

RIN: 1545-AP35

### 3171. SMALL S CORPORATION EXCEPTION AND DEFINITION OF SUBCHAPTER S ITEM

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 6241  
Internal Revenue Code of 1986; 26 USC  
6245 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301; 26 CFR 602;  
26 CFR 51

**Legal Deadline:** None

**Abstract:** These regulations will  
provide a small S corporation exception  
to the unified corporate audit  
procedures of subchapter D of chapter  
63 of the Internal Revenue Code. These  
regulations also will define subchapter

S items for purposes of the income tax  
and windfall profit tax.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/87	52 FR 3027
NPRM Comment	03/31/87	
Period End		
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-74-86.

Drafting Attorney: Noah Baer (202) 622-  
3050.

Reviewing Attorney: Dianna K. Miosi  
(202) 622-3050.

Treasury Attorney: Barksdale Penick  
(202) 622-1335.

**Agency Contact:** Noah Baer, Attorney,  
Department of the Treasury, Internal  
Revenue Service, 1111 Constitution  
Avenue NW., Washington, DC 20224,  
202 622-3050

RIN: 1545-AJ99

### 3172. DEPOSITS OF EMPLOYMENT TAXES

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 6302  
Internal Revenue Code of 1986

**CFR Citation:** 28 CFR 31.6302

**Legal Deadline:** None

**Abstract:** This notice of proposed  
rulemaking revises and updates  
regulations setting forth deposit rules  
for employment taxes.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/92	57 FR 21045
NPRM Comment	07/20/92	57 FR 21045
Period End		
Hearing	08/03/92	57 FR 21051
Final Action	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-028-91

Drafting attorney: Vincent Surabian  
(202) 622-4940.

Reviewing attorney: Norlyn Miller (202)  
622-4940.

**Agency Contact:** Vincent Surabian,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111

Constitution Ave. NW., Washington,  
DC 20224, 202 622-4940

RIN: 1545-AP91

### 3173. REVISION OF PROCEDURAL RULES RELATING TO EXCISE TAXES REPORTED ON FORM 720

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 6302(c)  
Internal Revenue Code of 1986; 26 USC  
6011(a) Internal Revenue Code of 1986;  
26 USC 6071(a) Internal Revenue Code  
of 1986; 26 USC 6091 Internal Revenue  
Code of 1986; 26 USC 6109(a) Internal  
Revenue Code of 1986; 26 USC 6101  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 40

**Legal Deadline:** None

**Abstract:** These regulations provide for  
returns, payments, and deposits of  
excise taxes reportable on Form 720.

**Timetable:**

Action	Date	FR Cite
NPRM	01/03/91	56 FR 293
NPRM Comment	02/04/91	56 FR 293
Period End		
Final Action	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** PS-065-90

Drafting attorney: Ruth Hoffman (202)  
622-3130.

Reviewing attorney: Edward Madden  
(202) 622-3130.

Treasury attorney: Heidi Ebel (202) 622-  
1334.

**Agency Contact:** Ruth Hoffman,  
Attorney, Department of the Treasury,  
Internal Revenue Service, 1111  
Constitution Avenue NW., Washington,  
DC 20224, 202 622-3130

RIN: 1545-AO97

### 3174. AMENDMENTS TO SECTION 40.6302 RELATING TO COMPUTING DEPOSITS OF COMMUNICATION AND AIR TRANSPORTATION TAXES

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal  
Revenue Code of 1986; 26 USC 6302(c)  
Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 40

**Legal Deadline:** None



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**Abstract:** Special rules for use of Government depositories under Chapter 33 of the Code.

**Timetable:**

Action	Date	FR Cite
NPRM	01/31/92	57 FR 3734
Final Action	10/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** PS-27-91

Drafting attorney: Ruth Hoffman (202) 622-3130.

Reviewing attorney: Edward Madden (202) 622-3130.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

**RIN:** 1545-AQ04

**3175. EFFECT OF HONORING A LEVY**

**Legal Authority:** 26 USC 6332 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.6332-1(c)

**Legal Deadline:** None

**Abstract:** Section 1.6332-1(c) currently provides that any person in possession of or obligated with respect to property or rights to property subject to levy and upon which levy has been made who surrenders the property or rights to property, or discharges the obligation to the district director is discharged from any obligation or liability to the delinquent taxpayer. Section 1015(t) of Technical and Miscellaneous Revenue Act of 1988 amends Section 6332 of the Internal Revenue Code to provide that a person who honors a levy is protected from any obligation or liability to any other person as well as the delinquent taxpayer. This should cause a reduction in the number of interpleader actions filed because of concerns over liability to third parties.

**Timetable:**

Action	Date	FR Cite
NPRM	10/16/91	56 FR 51855
NPRM Comment Period End	11/21/91	56 FR 51855
Final Action	12/00/92	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Additional Information:** GL-720-88

Drafting attorney: Susan B. Watson (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

**Agency Contact:** Susan B. Watson, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

**RIN:** 1545-AM72

**3176. SURRENDER OF PROPERTY SUBJECT TO LEVY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6332 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6332-1

**Legal Deadline:** None

**Abstract:** Section 6332 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to require banks to hold levied upon accounts for twenty-one days after a levy is served. The Treasury regulations promulgated under this code section must be changed to conform to the new statutory language.

**Timetable:**

Action	Date	FR Cite
NPRM	05/01/91	56 FR 19963
NPRM Comment Period End	06/17/91	
Final Action	10/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-172-89

Drafting Attorney: Kevin Connelly (202) 622-3640.

Reviewing Attorney: Robert Miller (202) 622-3640.

**Agency Contact:** Kevin Connelly, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

**RIN:** 1545-AN45

**3177. PROPERTY EXEMPT FROM LEVY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6334-1; 26 CFR 301.6334-2; 26 CFR 301.6334-3; 26 CFR 301.6334-4; 26 CFR 301.6334-5; 26 CFR 301.6334-6; 26 CFR 301.6334-7

**Legal Deadline:** None

**Abstract:** Section 6334 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to increase certain exemptions from levy, and to exempt a taxpayer's principal residence from levy with written authorization from the District Director or Assistant District Director in the absence of jeopardy. The Treasury regulations promulgated under this section must be changed to conform to the new statutory language.

**Timetable:**

Action	Date	FR Cite
NPRM	05/27/92	57 FR 22189
NPRM Comment Period End	07/31/92	57 FR 22194
Final Action	06/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-173-89

Drafting Attorney: Robert Miller (202) 622-3640.

Reviewing Attorney: Robert Miller (202) 622-3640.

**Agency Contact:** Robert Miller, Technical Assistant to ACC (GL), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

**RIN:** 1545-AN46

**3178. AUTHORITY TO RELEASE LEVY AND RETURN PROPERTY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6343 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6343-1

**Legal Deadline:** None

**Abstract:** Section 6343 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to provide new procedures for the release



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of levies and return of property. The Treasury regulations promulgated under this section must be changed to reflect the new statutory language.

**Timetable:**

Action	Date	FR Cite
NPRM	10/16/91	56 FR 51857
NPRM Comment Period End	11/21/91	56 FR 51857
Final Action	12/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-175-89

**Drafting Attorney:** Jerome D. Sekula (202) 622-3640.

**Reviewing Attorney:** Robert Miller (202) 622-3640.

**Agency Contact:** Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

**RIN:** 1545-AN48

### 3179. ABATEMENTS, CREDITS, AND REFUNDS—SPECIAL RULES FOR AN INSOLVENT FINANCIAL INSTITUTION THAT WAS A MEMBER OF A CONSOLIDATED GROUP

**Significance:** Agency Priority

**Legal Authority:** 26 USC 6402 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 6411 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 6402; 26 CFR 1502; 26 CFR 6411

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking is a cross-reference to a temporary regulation, which will address in what instances a refund can be paid to the court-appointed fiduciary of an insolvent corporation which is a member of an affiliated group of corporations filing a consolidated return to the extent that the secretary determines the refund is attributable to losses or credits of the insolvent corporation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/91	56 FR 67553
Hearing	03/24/92	56 FR 67554
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** CO-98-88

**Drafting attorney:** Rose L. Williams (202) 622-7770.

**Reviewing attorney:** Lewis Brickates (202) 622-7770.

**Treasury attorney:** Andrew Dubroff (202) 622-1766.

**Agency Contact:** Rose L. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AP57

### 3180. PROCEDURE AND ADMINISTRATION - ABATEMENT OF INTEREST

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance on the definition of ministerial act.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30177

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-34-87

**Drafting tax law specialist:** John J. McGreevy (202) 622-4910.

**Reviewing attorney:** John M. Coulter, Jr. (202) 622-4910.

**Agency Contact:** John J. McGreevy, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AK71

### 3181. PROCEDURE AND ADMINISTRATION REGULATIONS—EXTENSION OF THE PERIOD FOR ASSESSMENT OF TAX IN CERTAIN CIRCUMSTANCES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6501 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will describe circumstances under which the normal three-year period for the assessment and collection of tax may be extended.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-162-85.

**Drafting tax law specialist:** John J. McGreevy (202) 622-4910.

**Reviewing attorney:** John M. Coulter, Jr. (202) 622-4910.

**Agency Contact:** John J. McGreevy, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AI23

### 3182. PROCEDURE AND ADMINISTRATION REGULATIONS—MODIFICATIONS OF INTEREST PAYMENTS FOR CERTAIN PERIODS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6611 Internal Revenue Code of 1986; 26 USC 6601 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

**Timetable:**

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39566
NPRM Comment Period End	12/10/84	
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-280-82.



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Drafting tax law specialist: Gail M. Winkler (202) 622-4940.

Reviewing attorney: Norlyn Miller (202) 622-4940.

**Agency Contact:** Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

**RIN:** 1545-AF10

### 3183. INCREASE IN THE RATE OF INTEREST IMPOSED ON LARGE CORPORATE UNDERPAYMENTS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621(c) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6621-3T

**Legal Deadline:** None

**Abstract:** The regulation contains rules relating to the increase in the rate of interest payable on large corporate underpayments of tax. The increase applies for periods after the "applicable date" on a "large corporate underpayment" of a tax. The regulation provides definitions of "large corporate underpayment" and "applicable date," including a special exception and a transition rule with respect to determining an "applicable date." Examples are also provided.

#### Timetable:

Action	Date	FR Cite
NPRM	12/19/90	55 FR 52054
NPRM Comment Period End	02/19/91	55 FR 52054
Hearing	04/02/91	56 FR 8967
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional information:** IA-110-90

Drafting attorney: P. Val Strehlow (202) 622-4950.

Reviewing attorney: Alan Fraser (202) 622-4950.

Treasury attorney: Hal Gann (202) 622-1333.

**Agency Contact:** P. Val Strehlow, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue NW., Washington, DC 20224, 202 622-4950

**RIN:** 1545-AP27

### 3184. FRAUDULENT FAILURE TO FILE TAX RETURN; IMPOSITION OF FRAUD PENALTY

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.6651-5; 26 CFR 1.6663-1

**Legal Deadline:** None

**Abstract:** Provide guidance to taxpayers on the fraud penalty and fraudulent failure to file penalty as amended by the Revenue Reconciliation Act of 1989.

#### Timetable:

Action	Date	FR Cite
Temporary Regulation	05/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-036-90

Drafting Attorney: Barbara Walker (202) 622-4940.

Reviewing Attorney: Rudolf Planert (202) 622-4940.

**Agency Contact:** Barbara Walker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

**RIN:** 1545-AO84

### 3185. TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Rules will provide for acceleration of estimated payments by corporations, new seasonal income exception, and clarify the annualization rules. The amount of estimated tax payments required for all corporations is increased from 80 to 90 percent of current year's tax liability.

#### Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11186
Hearing	06/26/84	
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-228-82.

Drafting attorney: Rochelle Pickard (202) 622-4910.

Reviewing attorney: John Coulter (202) 622-4910.

**Agency Contact:** Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AE37

### 3186. CERTIFICATES OF COMPLIANCE WITH INCOME TAX LAWS BY DEPARTING ALIENS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6851(d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will exempt certain alien students, industrial trainees, and exchange visitors from the requirement of obtaining a certificate of compliance with U.S. income tax laws before departing the United States. This action is necessary because of changes to the applicable tax laws made by the Technical Amendments and Miscellaneous Revenue Act of 1988.

#### Timetable:

Action	Date	FR Cite
NPRM	01/28/91	56 FR 3061
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-735-89

Drafting attorney: Thomas L. Ralph (202) 622-3880.

Reviewing attorney: Thomas F. Fuller (202) 622-3880.

Treasury attorney: Unassigned.

**Agency Contact:** Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,



1111 Constitution Avenue NW.,  
Washington, DC 20224, 202 622-3880  
RIN: 1545-AN97

**3187. PROCEDURE AND ADMINISTRATION—PROPERTY SEIZED BY THE INTERNAL REVENUE SERVICE UNDER THE MONEY LAUNDERING CONTROL ACT OF 1986**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7103 (b) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 405

**Legal Deadline:** None

**Abstract:** This regulation provides guidance with respect to property seized by the Internal Revenue Service under the Money Laundering Control Act of 1986.

**Timetable:**

Action	Date	FR Cite
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Next Action Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** GL-006-90

Drafting attorney: Richard Delmar (202) 622-4470.

**Agency Contact:** Richard Delmar, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4470

RIN: 1545-AL04

**3188. ● DISCLOSURE OF TAX RETURN INFORMATION FOR PURPOSES OF A QUALITY OR PEER REVIEW**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7216(b)(3) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.7216-2(O)

**Legal Deadline:** None

**Abstract:** This rule would expand the scope of services for which tax return information could be disclosed by a tax return preparer without the taxpayer's prior consent for purposes of a quality or peer review to include accounting and auditing services. No alternatives are presently being considered.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/91	56 FR 67024
NPRM Comment	05/01/92	56 FR 67024
Period End		
Hearing	06/03/92	56 FR 67023
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-98-91

Drafting attorney: David Meyer (202) 622-4940.

Reviewing attorney: Norlyn Miller (202) 622-4940.

**Agency Contact:** David Meyer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AQ21

**3189. REVIEW OF JEOPARDY LEVY AND ASSESSMENT PROCEDURES**

**Legal Authority:** 26 USC 7429 Internal Revenue Code of 1986 PL 100-647, Sec 6237; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.7429

**Legal Deadline:** None

**Abstract:** Section 7429 currently provides for administrative and judicial review of jeopardy assessments, but these review procedures do not apply to jeopardy levies. The Technical and Miscellaneous Revenue Act of 1988, PL 100-647, Sec. 6237, extends the review procedures of Section 7429 to the review of jeopardy levies and provides concurrent jurisdiction to the Tax Court with Federal District courts with respect to actions challenging a jeopardy assessment or jeopardy levy, provided a Tax Court petition is filed prior to the making of the assessment or levy. The regulations incorporate the statutory amendments that modify IRC S. 7429 and in addition, extend review to include all jeopardy levy cases in which the general notice requirements of IRC S. 6331(a) and (d) are not met.

**Timetable:**

Action	Date	FR Cite
NPRM	05/09/91	56 FR 21456
NPRM Comment	06/24/91	
Period End		
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** GL-710-88

Drafting attorney: Joseph Clark (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

**Agency Contact:** Joseph W. Clark, Technical Assistant to ACC (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AM68

**3190. RECOVERY OF ADMINISTRATIVE COSTS**

**Legal Authority:** 26 USC 7430 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.7430

**Legal Deadline:** None

**Abstract:** Section 6239 of the Technical and Miscellaneous Revenue Act expands section 7430 of the Internal Revenue Code to allow the recovery of administrative costs incurred after the earlier of the date of the receipt by the taxpayer of the notice of decision of the IRS Office of Appeals or the date of the notice of deficiency, if the taxpayer prevails against a position of the United States that is not substantially justified. The regulations will define essential terms in the statute and develop procedures to administer the statute.

**Timetable:**

Action	Date	FR Cite
NPRM	05/08/92	57 FR 19828

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** IA-3-89

Drafting attorney: Tom Moffitt (202) 622-7860.

Reviewing attorney: Jerry Horan (202) 622-7900.

**Agency Contact:** Thomas Moffitt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7860

RIN: 1545-AN02



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**3191. PROCEDURE AND ADMINISTRATION—AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES AND DEPOSITS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71430
NPRM Comment Period End	02/11/80	44 FR 71430
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-406-71

Drafting attorney: Renay France (202) 622-4910.

Reviewing attorney: Unassigned

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

**Agency Contact:** Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AD42

**3192. PROCEDURES INVOLVING TAXPAYER INTERVIEWS (TIME AND PLACE OF EXAMINATION)**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; PL 100-647

**CFR Citation:** 26 CFR 301.7605-1 (a)

**Legal Deadline:** None

**Abstract:** The temporary regulations which are cross-referenced in this notice of proposed rulemaking provide guidance as to what is reasonable under the circumstances in the case-by-case determination as to the time and place of examination. The regulations balance the convenience of the taxpayer with the requirements of sound and efficient tax administration. The regulations provide that it is

generally not reasonable for the IRS to require a taxpayer to attend an examination at an IRS office other than the office located closest to the taxpayer's home in that district. They also provide that it is generally not reasonable for the IRS to audit a taxpayer at his or her place of business if the business is so small that so doing will eventually require the taxpayer to close the business.

**Timetable:**

Action	Date	FR Cite
NPRM	04/03/90	55 FR 12386
NPRM Comment Period End	05/18/90	55 FR 12386
Final Action	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** GL-705-88

Drafting attorney: Nancy O. Ryan (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

**Agency Contact:** Nancy Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

**RIN:** 1545-AO64

**3193. ● CONTINUITY OF LIFE FOR LIMITED PARTNERSHIPS**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7701 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will clarify the rules for determining when an organization possesses or lacks the corporate characteristic of continuity of life.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/92	57 FR 32472
Final Action	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** PS-7-92

Drafting attorney: James Quinn (202) 622-3060.

Reviewing attorney: J. Thomas Hines (202) 622-3060.

Treasury attorney: Barksdale Penick (202) 622-1335.

**Agency Contact:** James Quinn, Attorney, Department of the Treasury, Internal Revenue Service, 202 622-3060

**RIN:** 1545-AQ46

**3194. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 Internal Revenue Code of 1986; 26 USC 7871 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance to certain Indian tribal governments as to their treatment as States under designated sections of the Internal Revenue Code of 1954.

**Timetable:**

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19329
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-221-83.

Drafting attorney: Adrian L. Michur (202) 622-3940.

Reviewing attorney: William Coppersmith (202) 622-3930.

**Agency Contact:** Adrian L. Michur, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3940

**RIN:** 1545-AF77

**3195. REASONABLE MORTALITY CHARGES**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 7702

**Legal Deadline:** NPRM, Statutory, December 31, 1989.

**Abstract:** Provide rules relating to the required use of reasonable mortality charges in determining whether a



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contract qualifies as a life insurance contract for purposes of the code.

**Timetable:**

Action	Date	FR Cite
NPRM	07/06/91	56 FR 30718
NPRM Comment Period End	09/04/91	56 FR 30718
Hearing	09/25/91	56 FR 30721
Final Action	01/00/93	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-069-89

Drafting Attorney: Ann H. Logan (202) 622-3970.

Reviewing Attorney: Steve Hooe (202) 622-3970.

**Agency Contact:** Ann H. Logan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3970

**RIN:** 1545-AO12

**3196. CERTAIN PUBLICLY TRADED PARTNERSHIPS TREATED AS CORPORATIONS—TRANSITION PROVISIONS**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1988

**CFR Citation:** 26 CFR 1.7704-2T; 26 CFR 301.7704-2T

**Legal Deadline:** None

**Abstract:** This regulation defines the phrases "Existing Partnership" and "Substantial New Line of Business" in the transition rule applicable to section 7704 of the Internal Revenue Code of 1986.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/91	56 FR 67554
Final Action	00/00/00	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** PS-056-89

Drafting Attorney: Ann Veninga (202) 622-3080.

Reviewing Attorney: William P. O'Shea (202) 622-3070.

Treasury Attorney: S. Barksdale Penick (202) 622-2578.

**Agency Contact:** Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AN92

**3197. THE TIME AND MANNER OF MAKING CERTAIN ELECTIONS UNDER THE TECHNICAL AND MISCELLANEOUS REVENUE ACT OF 1988**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1988

**CFR Citation:** 26 CFR 5h.6

**Legal Deadline:** None

**Abstract:** This document contains regulations relating to the time and manner of making certain elections under the Technical and Miscellaneous Revenue Act of 1988.

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39002
NPRM Comment Period End	11/21/89	54 FR 39002

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** IA-9-89

Drafting attorney: Grace Matuszeski (202) 622-4930.

Reviewing attorney: John Fischer (202) 622-4800.

**Agency Contact:** Grace Matuszeski, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4930

**RIN:** 1545-AN03

**3198. REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7872 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section 7872. If the loan is subject to section 7872, the below-market loan will be recharacterized as an arm's length market-interest rate loan coupled with a payment by the lender to the borrower in an amount generally equal to the amount of imputed interest. The regulations provide rules for determining the amount and the character of the imputed transfers.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33553
NPRM Comment Period End	10/20/85	50 FR 33553
Hearing	01/09/86	50 FR 46460

Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-165-84.

Drafting attorney: David B. Silber (202) 622-3930.

Reviewing attorney: William Coppersmith (202) 622-3930.

**Agency Contact:** David B. Silber, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3930

**RIN:** 1545-AH72



## DEPARTMENT OF THE TREASURY (TREAS)

## Completed Actions

## Internal Revenue Service (IRS)

**3199. A DETAILING OF THE SUITABILITY OF A UNIT FOR OCCUPANCY FOR PURPOSES OF DETERMINING WHETHER A UNIT MAY BE TREATED AS A LOW-INCOME UNIT**

**Legal Authority:** 26 USC 42(i)(3)(B)(ii) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 42

**Legal Deadline:** None

**Abstract:** The temporary regulations discuss the standards used for determining that a low-income unit satisfies the suitability for occupancy required under section 42(i)(3)(B)(ii) to continue qualifying as a low-income unit for purposes of the low-income housing credit.

**Timetable:**

Action	Date	FR Cite
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Closed without regulations	09/01/92	
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**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** PS-011-90

Drafting attorney: Elissa Shendalman (202) 622-3040.

Reviewing attorney: James F. Ranson (202) 622-3040.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Elissa Shendalman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3040

**RIN:** 1545-AO53

**3200. APPLICATION OF SECTION 183 TO SECTION 42; STATE GRANTS AND BELOW MARKET STATE LOANS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The temporary regulations discuss the application of the not-for-profit restrictions under section 183 to activities qualifying for the low-income housing credit under section 42.

**Timetable:**

Action	Date	FR Cite
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NPRM	11/13/91	56 FR 57605
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NPRM Comment Period End	01/13/92	56 FR 57605
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Final Action T.D. 8420	06/11/92	57 FR 24749
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Final Action Effective	06/11/92	57 FR 24749
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**Small Entities Affected:** Undetermined

**Government Levels Affected:** Local, State

**Additional Information:** PS-044-90

Drafting attorney: Paul F. Handleman (202) 622-3040.

Reviewing attorney: James F. Ranson (202) 622-3040.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Paul Handleman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3040

**RIN:** 1545-AO90

**3201. DEFINITIONS OF TERMS AND CERTAIN COMPLIANCE REQUIREMENTS UNDER LOW-INCOME HOUSING CREDIT**

**Legal Authority:** 26 USC 42 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.42

**Legal Deadline:** None

**Abstract:** Most issues to be included in this regulation are yet to be determined. The regulation will likely include several general definitions applicable to 26 U.S.C. 42 which have not yet been promulgated in other regulations plus certain compliance provisions yet to be determined.

**Timetable:**

Action	Date	FR Cite
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Closed without regulations	03/10/92	
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**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-118-90

Drafting attorney: Chris Wilson (202) 622-3040.

Reviewing attorney: James F. Ranson (202) 622-3040.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Chris Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3040

**RIN:** 1545-AP50

**3202. STATE GRANTS AND BELOW-MARKET LOANS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations describe how state and municipal grants and below-market loans affect the eligible basis of property qualifying for the low-income housing credit under section 42. These issues were severed from PS-44-90.

**Timetable:**

Action	Date	FR Cite
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Closed without regulations	09/01/92	
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**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-40-91

Drafting attorney: Paul F. Handleman (202) 622-3040.

Reviewing attorney: James F. Ranson (202) 622-3040.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Paul F. Handleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3040

**RIN:** 1545-AP99

**3203. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 47, 48 AND 196 RELATING TO BASIS ADJUSTMENT TO REFLECT INVESTMENT TAX CREDIT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 196 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1



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## Completed Actions

**Legal Deadline:** None

**Abstract:** The proposed regulations would provide rules concerning a basis adjustment in the case of the investment tax credit.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35438
NPRM Comment Period End	11/20/87	52 FR 35438
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** PS-183-82.

Drafting attorney: Jack Malgeri (202) 622-3040.

Reviewing attorney: James Ranson (202) 622-3040.

**Agency Contact:** Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3040

RIN: 1545-AF06

### 3204. TAX BENEFIT RULE FOR CORPORATE ADD-ON MINIMUM TAX UNDER THE INTERNAL REVENUE CODE OF 1954

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1954; 26 USC 58(h) Internal Revenue Code of 1954

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations provide rules for taking into account credit carryovers in applying the minimum tax benefit rule for corporations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19409
Final Action T.D.	05/05/92	57 FR 19253 8416

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-56-87

Drafting attorney: Kelly Richardson Berg (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.

**Agency Contact:** Kelly Richardson Berg, Attorney, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AK20

### 3205. INCOME TAX-NONQUALIFIED SALARY REDUCTION AGREEMENTS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation would provide guidance regarding the tax treatment of nonqualified deferred compensation arrangements established by tax exempt charitable organizations such as non-profit hospitals for their employees.

**Timetable:**

Action	Date	FR Cite
NPRM	02/03/78	44 FR 53539
NPRM Comment Period End	04/03/78	44 FR 53539
Closed without regulations	04/02/92	57 FR 11277

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** EE-33-90

Drafting attorney: John A. Tolleris (202) 622-6030.

Reviewing attorney: A. Thomas Brisendine (202) 622-6030.

Treasury attorney: Unassigned

**Agency Contact:** John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AA35

### 3206. PROPOSED UNIFORM PREMIUM TABLE

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation extends the table for determining the cost of group term life insurance to include ages over 64.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/89	54 FR 47995
NPRM Comment Period End	01/20/90	54 FR 47995
Final Action T.D.	07/30/92	57 FR 33634 8424

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-081-89

Drafting attorney: Betty Clary (202) 622-6070.

Reviewing attorney: James Brokaw (202) 622-6070.

Cross-Reference to EE-89-88.

**Agency Contact:** Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AN51

### 3207. TO PROVIDE REGULATIONS UNDER SECTION 147(B)—RELATING TO LIMITATION ON MATURITY OF PRIVATE ACTIVITY BONDS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Rules will provide guidance with respect to computation of weighted average economic life and weighted average maturity. Rules limit the average length of the maturity of all private activity bonds (including qualified 501 (c) (3) bonds), other than mortgage revenue bonds and student loan bonds.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-220-82.

Drafting attorney: L. Michael Wachtel (202) 622-3980.

Reviewing attorney: Lon Smith (202) 622-3980.

**Agency Contact:** L. Michael Wachtel, Attorney, Department of the Treasury,



## TREAS—IRS

## Completed Actions

Internal Revenue Service, 1111  
Constitution Ave. NW., Washington,  
DC 20224, 202 622-3980

RIN: 1545-AE69

### 3208. REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (b) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations would provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-156-84.

Drafting attorney: William P. Cejudo (202) 566-3283.

**Agency Contact:** William P. Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 566-3283

RIN: 1545-AG84

### 3209. CLARIFICATION REGARDING THE CONCLUSIVENESS OF THE CERTIFICATION UNDER SECTION 1.103-13(A)(2) OF THE INCOME TAX REGULATIONS

**Legal Authority:** 26 USC 103 (c) Internal Revenue Code of 1954

**CFR Citation:** 26 CFR 1.103-13

**Legal Deadline:** None

**Abstract:** This regulation clarifies the extent to which a certification is conclusive as to the reasonable expectations of the issuer under section 1.103-13(a)(2) of the Income Tax Regulations, when the issuer either certifies in bad faith or takes

subsequent and deliberate actions to produce arbitrage.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** FI-031-89

Drafting attorney: David White (202) 622-3980.

**Agency Contact:** David White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AN08

### 3210. TO REVISE DEFINITION OF AREAS OF CHRONIC ECONOMIC DISTRESS FOR PURPOSES OF MORTGAGE SUBSIDY BONDS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 143 Internal Revenue Code of 1986; 26 USC 103A Internal Revenue Code of 1954

**CFR Citation:** 26 CFR 1.103A-2

**Legal Deadline:** None

**Abstract:** The regulations will clarify the rules under section 103A relating to designations of areas of chronic economic distress. The regulations would provide objective tests to be used in analyzing requests for such designations.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:** FI-307-84.

Drafting attorney: Allan Seller (202) 622-3980.

Reviewing attorney: Lon B. Smith (202) 622-3980.

**Agency Contact:** Allan Seller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AG88

### 3211. PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 116 Internal Revenue Code of 1986 PL 96-223, Sec 404

**CFR Citation:** 26 CFR 116

**Legal Deadline:** None

**Abstract:** This regulations project is necessary to conform the regulations relating to section 116 of the Internal Revenue Code of 1986 to amendments to section 404 made by the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223. This regulation will provide guidance to individuals who administer section 116 and taxpayers who are subject to and must comply with these sections of the code. Section 116 relates to the partial exclusion of dividends and interest received by individuals.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-83-80

Drafting attorney: Donald W. Kanuk (202) 622-4960.

Reviewing attorney: Stephen J. Toomey (202) 622-4960.

**Agency Contact:** Donald W. Kanuk, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AM73

### 3212. INCOME TAX—TAX TREATMENT OF FACULTY HOUSING

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 119 (d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide rules relating to the definition of a "qualified appraisal." In addition, the regulations will set forth the time and manner in which the appraisal shall be reviewed and updated.



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## Completed Actions

## Timetable:

Action	Date	FR Cite
Closed without regulations	04/02/92	57 FR 11277

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional information:** EE-74-88.

Drafting attorney: Marie Cashman (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

**Agency Contact:** Marie Cashman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

**RIN:** 1545-AJ21

### 3213. INCOME TAX—PART 1 PERSONAL INJURY LIABILITY ASSIGNMENTS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 130 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation project will provide rules on the exclusion from gross income for amounts received for agreeing to the assignment of a liability to make periodic payments as damages on account of personal injury or sickness.

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional information:** IA-82-83.

Drafting attorney: Rochelle Pickard (202) 622-4910.

Reviewing attorney: Michael Montemurro (202) 622-4910.

**Agency Contact:** Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AF39

### 3214. EXCLUSION FROM GROSS INCOME FOR INCOME FROM U.S. SAVINGS BONDS USED TO PAY TUITION AND FEES

**Significance:** Regulatory Program

**Legal Authority:** 26 USC 135 Internal Revenue Code Of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance to taxpayers concerning the exclusion from income of interest on United States Savings Bonds used to pay higher education tuition and fees.

## Timetable:

Action	Date	FR Cite
Closed without regulations	03/05/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional information:** IA-013-89

Drafting Attorney: Wesley MacAdam (202) 622-4960.

Reviewing Attorney: Vincent Cardella (202) 622-4960.

**Agency Contact:** Wesley MacAdam, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

**RIN:** 1545-AN18

### 3215. TAX-EXEMPT BONDS FOR RESIDENTIAL RENTAL PROJECTS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This project will provide regulations relating to tax-exempt bonds issued to provide qualified residential rental projects.

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional information:** FI-089-86

Drafting attorney: Michael Wachtel (202) 622-3980.

Reviewing attorney: Lon Smith (202) 622-3980.

**Agency Contact:** Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AJ66

### 3216. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.148-0 to 1.148-9; 26 CFR 1.148-12T; 26 CFR 1.149(d)-1

**Legal Deadline:** None

**Abstract:** These regulations relate to arbitrage restrictions on tax-exempt bonds.

## Timetable:

Action	Date	FR Cite
NPRM	05/15/89	54 FR 20861
NPRM Comment Period End	11/15/89	54 FR 37947
Public Hearing	12/13/89	54 FR 37947
NPRM	04/25/91	56 FR 19045
Final Action T.D.	05/18/92	57 FR 20971 8418

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional information:** FI-91-86

Drafting attorney: William Cejudo (202) 622-3980.

Reviewing attorney: Lon B. Smith (202) 622-3980.

Treasury attorney: David Walton (202) 622-1354.

**Agency Contact:** William Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AJ67

### 3217. YIELD ADJUSTMENT PAYMENT RULES FOR QUALIFIED STUDENT LOAN BONDS

**Significance:** Agency Priority



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## Completed Actions

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.148-10T

**Legal Deadline:** None

**Abstract:** Procedures and methodology for computing and making yield adjustment payments to the United States with respect to arbitrage earned on qualified student loan bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	01/25/90	55 FR 2534
NPRM Comment Period End	03/26/90	55 FR 2534
Final Action T.D. 8418	05/18/92	57 FR 20971

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:** FI-075-89

Treasury attorney: Timothy Jones (202) 622-3980.

**Agency Contact:** Timothy Jones, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, Room 4017, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AO19

**3218. ● TRANSFERRED PROCEEDS, ALLOCATIONS AND OTHER RULES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148(i) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.103-14

**Legal Deadline:** None

**Abstract:** Proposed regulations that provide guidance on transferred proceeds, allocations, and other arbitrage restrictions on refunding issues.

**Timetable:**

Action	Date	FR Cite
NPRM	02/12/92	57 FR 5101
Hearing	04/03/92	57 FR 5110
Final Action T.D. 8418	05/18/92	57 FR 20971

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:** FI-90-91

Drafting attorney: John J. Cross (202) 622-3762.

**Agency Contact:** John Cross, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3762

**RIN:** 1545-AQ19

**3219. 2-YEAR ARBITRAGE REBATE EXCEPTION**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 148(f)(4)(B) Internal Revenue Code of 1986; 26 USC 148(f)(4)(C) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations provide guidance concerning the 6-month exception and the 2-year construction exemption to the arbitrage rebate requirement applicable to tax-exempt bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	02/12/92	57 FR 5111
Hearing	04/03/92	57 FR 5110
NPRM Comment Period End	04/13/92	57 FR 5111
Final Action T.D. 8418	05/18/92	57 FR 20971

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-001-90

Drafting attorney: Scott Lilienthal (202) 622-3980.

**Agency Contact:** Scott Lilienthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AO33

**3220. ALLOCATION RULES FOR BOND PROCEEDS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148(i) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.148-4

**Legal Deadline:** None

**Abstract:** The regulation will provide rules for allocating proceeds of an issue to investments and expenditures for purposes of the Arbitrage rebate regulations. The rules will accommodate customary governmental

accounting practices to the extent possible.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/92	57 FR 3562
Hearing	04/03/92	57 FR 5110
Final Action T.D. 8418	05/18/92	57 FR 20971

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-066-89

Drafting Attorney: William Cejudo (202) 622-3980.

Reviewing Attorney: John Cross (202) 622-3762.

**Agency Contact:** William Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

**RIN:** 1545-AO14

**3221. INFORMATION REPORTING FOR TAX-EXEMPT BONDS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation would provide information reporting rules for tax-exempt bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	03/11/87	52 FR 7408
NPRM Comment Period End	05/11/87	52 FR 7408
Hearing	06/26/87	
Final Action T.D. 8425	08/12/92	57 FR 36001

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Additional Information:** FI-146-86

Drafting Attorney: Eric E. Boody (202) 622-3960.

Reviewing Attorney: Alice Bennett (202) 622-3950.

**Agency Contact:** Eric E. Boody, Attorney, Department of the Treasury, Internal Revenue Service, 1111



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## Completed Actions

Constitution Ave. NW., Washington,  
DC 20224, 202 622-3960

RIN: 1545-AJ63

**3222. ADVANCE REFUNDINGS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide rules regarding advance refundings of certain private activity bonds and certain other bonds.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:** FI-50-88

Drafting attorney: Scott Lilienthal (202) 622-3980.

**Agency Contact:** Scott Lilienthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AL91

**3223. INCOME TAX—TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation would provide better definitions in the area of political advertising and grassroots lobbying.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-190-77.

Drafting attorney: Karin G. Gross (202) 622-4930.

Reviewing attorney: Karin G. Gross (202) 622-4930.

**Agency Contact:** Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4930

RIN: 1545-AA79

**3224. DEDUCTIONS WITH RESPECT TO NONCASH FRINGE BENEFITS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.162-25

**Legal Deadline:** None

**Abstract:** The project is to produce proposed rules relating to an alternative way for employers to take deductions with respect to noncash fringe benefits.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-89-88

Drafting Attorney: Joel Rutstein (202) 622-4930.

Reviewing Attorney: Michael Finley (202) 622-4930.

**Agency Contact:** Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4930

RIN: 1545-AM40

**3225. DEDUCTIONS IN EXCESS OF \$5000 CLAIMED FOR CHARITABLE CONTRIBUTIONS OF CERTAIN PROPERTY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 170(a)(1) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide substantiation requirements with which a donor must comply in order to take a deduction for a charitable contribution of certain property.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16156
Hearing	09/23/88	
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-83-87

Drafting attorney: Beverly Baughman (202) 622-4940.

Reviewing attorney: Rudi Planert (202) 622-4940.

**Agency Contact:** Beverly Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AL09

**3226. ELECTION TO POSTPONE DETERMINATION WITH RESPECT TO THE PRESUMPTION THAT AN ACTIVITY IS ENGAGED IN FOR PROFIT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 183(e)(3) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide rules relating to the election to postpone the determination whether the section 183 (d) presumption applies until the activity has been conducted for five (or seven) years. The regulations will specify who can make the election and the time and manner of making the election.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-73-84.

Drafting attorney: Bernard Englander (202) 622-4910.

Reviewing attorney: Robert Casey (202) 622-4910.

**Agency Contact:** Bernard Englander, Attorney, Department of the Treasury, Internal Revenue Service, 1111



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Constitution Ave. NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AG27

**3227. INDIVIDUAL RETIREMENT PLANS AND SIMPLIFIED EMPLOYEE PENSIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 62 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 220 Internal Revenue Code of 1986; 26 USC 404 (h) Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3308 Internal Revenue Code of 1986; 26 USC 4973 Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986; 26 USC 6693 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations set forth rules for sponsors of and participants in individual retirement plans, spousal individual retirement plans, and simplified employee pensions.

**Timetable:**

Action	Date	FR Cite
NPRM	07/14/81	46 FR 36198
NPRM Comment Period End	09/14/81	46 FR 36198
Closed without regulations	06/30/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-7-78.

**Drafting attorney:** William D. Gibbs (202) 622-6030.

**Reviewing attorney:** A. Thomas Brisendine (202) 622-6030.

**Office of Benefits Tax Counsel (Treasury) reviewing attorney:** Evelyn A. Petschek (202) 622-0170.

**Agency Contact:** William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AD59

**3228. INDIVIDUAL RETIREMENT PLANS, SIMPLIFIED EMPLOYEE PENSIONS, AND QUALIFIED VOLUNTARY EMPLOYEE CONTRIBUTIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 415 Internal Revenue Code of 1986; 26 USC 2039 Internal Revenue Code of 1986; 26 USC 2517 Internal Revenue Code of 1986; 26 USC 6652 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 20; 26 CFR 25; 26 CFR 301

**Legal Deadline:** None

**Abstract:** These regulations set forth rules for individual retirement plans, simplified employee pensions, and qualified voluntary employee contributions after amendment of the Internal Revenue Code of 1954 by the Economic Recovery Tax Act of 1981.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/84	49 FR 2794
NPRM Comment Period End	03/23/84	49 FR 2794
Closed without regulations	06/30/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-148-81.

**Drafting attorney:** William D. Gibbs (202) 622-6030.

**Reviewing attorney:** A. Thomas Brisendine (202) 622-6030.

**Office of Benefits Tax Counsel (Treasury) reviewing attorney:** Evelyn A. Petschek (202) 622-0170.

**Agency Contact:** William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AD66

**3229. INCOME TAX—DEBT-FINANCED PORTFOLIO STOCK**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 246A Internal Revenue Code of 1986; 26 USC 7701 (f) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Amendment of the regulations to interpret the rule contained in section 246A of the Internal Revenue Code of 1954 relating to the dividends received deduction where portfolio stock is debt financed.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-261-84.

**Drafting attorney:** Forest Boone (202) 622-4960.

**Reviewing attorney:** Vincent Cardella (202) 622-4960.

**Agency Contact:** Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AH39

**3230. INCOME TAX—TO ADD PROVISIONS RELATING TO FOREIGN CONVENTIONS (AS AMENDED BY SECTION 4 OF PUBLIC LAW 96-608)**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 (h) Internal Revenue Code of 1986; PL 96-608, Sec 4; PL 97-424, Sec 543; PL 98-67, Sec 222

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide rules to assist taxpayers in determining whether it is reasonable to hold a convention, seminar, or similar meeting outside North America as within it, and thus whether expenses relating to attendance at the convention are deductible.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-114-81.

**Drafting attorney:** John P. Moriarty (202) 622-4950.



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Reviewing attorney: David L. Crawford (202) 622-4950.

Treasury attorney: Judd Kelley (202) 622-1339.

**Agency Contact:** John P. Moriarty, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

RIN: 1545-AB04

**3231. EMPLOYEE ACHIEVEMENT AWARDS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986; 26 USC 74 Internal Revenue Code of 1986; 26 USC 102 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 274; 26 CFR 74; 26 CFR 102

**Legal Deadline:** None

**Abstract:** Final regulations concerning employee achievement awards. Specific guidance concerning the phrase "tangible personal property."

**Timetable:**

Action	Date	FR Cite
NPRM	01/09/89	54 FR 627
Public Hearing on Prop. Regs.	06/02/89	54 FR 18117
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** EE-084-89

**Drafting Attorney:** Marie Cashman (202) 622-6040.

**Reviewing Attorney:** Jerry Holmes (202) 622-6040.

**Treasury Attorney:** (202) 622-1339.

**Agency Contact:** Marie Cashman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

RIN: 1545-AN56

**3232. CERTAIN ATTRIBUTION RULES AND CERTAIN CORPORATE REORGANIZATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 302(c)(2) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal would interpret the definitions and special rule for waiver of family attribution by entities contained in section 302 (c) (2) of the Internal Revenue Code of 1954, which relates to the tax treatment of certain redemptions of corporate stock.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-189-82.

**Drafting attorney:** Keith G. Medleau (202) 622-7550.

**Reviewing attorney:** William D. Alexander (202) 622-7550.

**Agency Contact:** Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AF13

**3233. MODIFICATION OF RULES RELATING TO THE APPLICABILITY OF OTHER PROVISIONS OF LAW IN THE CONTEXT OF THE CONSOLIDATED RETURN REGULATION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulation would provide that section 304 will not apply to acquisitions of stock of a corporation by one member of a consolidated group from another member.

**Timetable:**

Action	Date	FR Cite
NPRM	07/25/91	56 FR 34044
Hearing	12/10/91	56 FR 52241
Final Action T.D.	03/18/92	57 FR 9384 8402

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-2-88

**Drafting attorney:** Brendan O'Hara (202) 622-7530.

Reviewing attorney: Don A. Leatherman (202) 622-7520.

**Agency Contact:** Brendan O'Hara, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7530

RIN: 1545-AL41

**3234. AMEND REGULATIONS ON SECTION 306 STOCK AND EARNINGS AND PROFITS IN LIGHT OF COMMISSIONER V. CLARK**

**Legal Authority:** 26 USC 356(a)(2) Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 306 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.381(c)(2)-1(a)(1); 26 CFR 1.308-3(d)

**Legal Deadline:** None

**Abstract:** In Commissioner v. Clark, the Supreme Court held that for purposes of section 356(a)(2), the boot distribution is treated as a distribution by the transferee in a hypothetical redemption of the shares of the transferee stock that the transferor shareholders would have received if they had accepted stock in lieu of boot. The regulations under section 381 and 306 will be amended to reflect the post-exchange analysis of Clark.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-061-89

**Drafting attorney:** Kirsten L. Simpson (202) 622-7790.

**Reviewing attorney:** Maura A. Sullivan (202) 622-7780.

**Agency Contact:** Kirsten L. Simpson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7790

RIN: 1545-AO35

**3235. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS**

**Legal Authority:** 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986



## TREAS—IRS

## Completed Actions

**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations would provide guidance for making an election under section 336 (e) and the consequences which result from making such an election.**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Additional Information:** CO-51-87

Drafting attorney: Theresa Abell (202) 622-7790.

Reviewing attorney: Maura Sullivan (202) 622-7780.

Treasury attorney: J. Judge Kelley (202) 622-1339.

**Agency Contact:** Theresa Abell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7790**RIN:** 1545-AK30**3236. APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO CERTAIN DISTRIBUTIONS UNDER SECTION 355****Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337(d) Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations are intended to cause the recognition of gain in certain section 355 transactions, including those under section 355(d).**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** CO-78-88

Drafting attorney: Konstantine P. Lekos (202) 622-7550.

Reviewing attorney: William D. Alexander (202) 622-7550.

**Agency Contact:** Konstantine P. Lekos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550**RIN:** 1545-AM34**3237. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338(H)(10)****Legal Authority:** 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations would provide the guidance for making elections under section 338(h)(10) when the selling group is an affiliated group of corporations which does not file a consolidated Federal income tax return, and the consequences of making such an election.**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** CO-49-87

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: William D. Alexander (202) 622-7550.

Treasury attorney: Judge Kelley (202) 622-1339.

**Agency Contact:** Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550**RIN:** 1545-AK32**3238. APPLICATION OF INSTALLMENT METHOD TO DEEMED SALE OF ASSETS****Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1.338(h)(10)**Legal Deadline:** None**Abstract:** The regulations will provide guidance for utilization of the installment method of reporting in a qualified stock purchase to which section 338(h)(10) applies.**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** CO-88-88

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: William D. Alexander (202) 622-7550.

Treasury attorney: Judd Kelley (202) 622-1339.

**Agency Contact:** Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550**RIN:** 1545-AM84**3239. GAIN OR LOSS IGNORED BY TARGET CORPORATION UPON ITS DEEMED SALE OF AFFECTED TARGET STOCK****Legal Authority:** 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The purpose of the regulation is to provide rules to alleviate the multiple taxation consequences of a section 338(g) election when a purchasing corporation acquires the stock of a target corporation in a qualified stock purchase and the target's assets include the stock of an 80-percent-owned target affiliate.**Timetable:**

Action	Date	FR Cite
Closed Without Regulations	02/04/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** INTL-656-89

Drafting Attorney: Kenneth D. Allison (202) 622-3860.



TREAS—IRS

Completed Actions

Reviewing Attorney: Benedetta A. Kissel (202) 622-3810.

Treasury Attorney: Marlin Risinger (202) 622-1762.

**Agency Contact:** Kenneth D. Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, 202 622-3860

RIN: 1545-AN85

**3240. ● REQUIREMENTS RELATING TO CERTAIN EXCHANGES INVOLVING A FOREIGN CORPORATION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 7

**Legal Deadline:** None

Expiration of Temporary Regulations three years after issuance under 26 USC 7805(e)(2).

**Abstract:** Should earnings and profits be allocated to an acquiring CFC from an acquired CFC following a transaction which qualified for nonrecognition treatment.

**Timetable:**

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9236
NPRM Comment Period End	05/05/89	54 FR 9236
Final Action T.D.	02/26/92	57 FR 6554 8397

**Small Entities Affected:** None

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-988-86

Drafting attorney: Irwin Halpern (202) 622-3850.

Reviewing attorney: Bernard T. Bress (202) 622-3850.

Treasury attorney: Peter Marrs (202) 622-0724.

**Agency Contact:** Irwin Halpern, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AQ29

**3241. INCOME TAX—EXCHANGE FUNDS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC

368(a)(2)(F) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide rules relating to reorganizations of undiversified investment companies. (Proposed regs. section 1.368-4)

**Timetable:**

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period End	03/08/81	46 FR 1744
Closed without regulations	04/24/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** CO-135-76.

Drafting attorney: Roberta Mann (202) 622-7550.

Reviewing attorney: Christopher F. Kane (202) 622-7550.

**Agency Contact:** Roberta Mann, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AB31

**3242. OPTION ATTRIBUTION UNDER SECTION 382(L)(5)**

**Legal Authority:** 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Operation of option attribution rules to qualify under section 382(l)(5).

**Timetable:**

Action	Date	FR Cite
NPRM	09/05/90	55 FR 36657
NPRM Comment Period End	11/05/90	55 FR 36657
Final Action T.D.	04/09/92	57 FR 12208 8407

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-062-89

Drafting attorney: Diana Mackeen (202) 622-7550.

Reviewing attorney: David Madden (202) 622-7540.

Treasury attorney: Larry Garrett (202) 622-1778.

**Agency Contact:** Diana MacKeen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AO11

**3243. CORPORATE CONTRACTIONS UNDER SECTION 382**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Temporary regulations will identify certain cases in which acquisition indebtedness will be treated as a corporate contraction under section 382(e)(2).

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-035-89

Drafting attorney: David Madden (202) 622-7540.

Reviewing attorney: Charles Whedbee (202) 622-7750.

Treasury attorney: Larry Garrett (202) 622-1778.

**Agency Contact:** David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7540

RIN: 1545-AO21

**3244. PROPOSED AMENDMENT TO TEMPORARY REGULATIONS UNDER SECTION 382 OF THE IRC OF 1986; LIMITATIONS ON CORPORATE NET OPERATING LOSS CARRYFORWARDS**

**Legal Authority:** 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None



## TREAS—IRS

## Completed Actions

**Abstract:** The regulations amend the definition of entity in section 1.382-2T(f)(7).

**Timetable:**

Action	Date	FR Cite
NPRM	11/21/90	55 FR 48639
Final Action T.D.	03/30/92	57 FR 10739-8405

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** CO-081-90

Drafting Attorney: Lori Brown (202) 622-7750.

Reviewing Attorney: Nelson Crouch (202) 622-7740.

Treasury Attorney: Larry Garrett (202) 622-1778.

**Agency Contact:** Lori Brown, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

**RIN:** 1545-AP18

**3245. FOREIGN CORPORATE FIRST TIER ENTITIES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.382-2T(k)(6)

**Legal Deadline:** None

**Abstract:** The temporary regulations under section 382 of the Code require loss corporations to identify their five percent shareholders and any five percent shareholders of the loss corporation's corporate shareholders. Foreign corporations do not always have the ability to identify their five percent shareholders. This project will consider whether the attribution, aggregation, and segregation rules under section 382 should be modified when applied to foreign corporate shareholders of a loss corporation, and whether the Service should substitute a more convenient inquiry for foreign corporate shareholders than the current five percent shareholder identification.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** CO-034-89

Drafting attorney: Diana Mackeen (202) 622-7550.

Reviewing attorney: William D. Alexander (202) 622-7550.

**Agency Contact:** Diana Mackeen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

**RIN:** 1545-AN61

**3246. LIMITATION ON USE OF PREACQUISITION LOSSES TO OFFSET BUILT-IN GAINS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 384 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations are intended to provide guidance concerning the application of section 384 of the Internal Revenue Code. This section limits a corporation's ability to offset gains that accrued prior to a merger or acquisition against pre-acquisition losses of a second corporation.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	04/24/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** CO-99-88

Drafting Attorney: Roberta Mann (202) 622-7550.

Reviewing Attorney: William Alexander (202) 622-7550.

**Agency Contact:** Roberta Mann, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

**RIN:** 1545-AM48

**3247. ANNUAL INFORMATION REPORTS BY TRUSTEES AND ISSUERS OF INDIVIDUAL RETIREMENT PLANS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 408

Internal Revenue Code of 1986; PL 98-369, Sec 147

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** On June 28, 1983, the Internal Revenue Service issued news release IR-83-88 requiring new information reporting by trustees of individual retirement accounts and issuers of individual retirement annuities (including accounts and annuities that are simplified employee pensions). Form 5498, Individual Retirement Arrangement Information, was prescribed in the news release as the information return to be used for this purpose. This regulation project will amend the regulations under section 408 to conform them to the reporting requirements announced in the news release. In addition, section 147 of the Tax Reform Act of 1984 amended section 408 (i) of the Code to require that contributions be identified as to the taxable year to which they apply. This amendment will be included in this regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45450
NPRM Comment Period End	01/15/85	49 FR 45450
Closed without regulations	06/30/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-65-83.

Drafting attorney: William Gibbs (202) 622-6030.

Reviewing attorney: A. Thomas Brisendine (202) 622-6030.

Office of Benefits Tax Counsel (Treasury) reviewing attorney: Evelyn Petschek (202) 622-0170.

**Agency Contact:** William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

**RIN:** 1545-AF83

**3248. SPECIAL ALLOCATION RULES RELATING TO MAXIMUM CONTRIBUTION LIMITATIONS FOR QUALIFIED PLANS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 415(j) Internal Revenue Code of 1986



## TREAS—IRS

## Completed Actions

**CFR Citation:** 26 CFR 1.415-6(b)(2)

**Legal Deadline:** None

**Abstract:** These regulations will clarify and amplify the Commissioner's authority to determine whether certain transactions and employer contributions to a qualified defined contribution plan are annual additions subject to the contribution limitations under section 415.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	02/10/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-83-91

**Drafting Attorney:** Terri Harris (202) 622-6070.

**Reviewing Attorney:** James Brokaw (202) 622-6070.

**Treasury Attorney:** Cathy Creech (202) 622-1341.

**Agency Contact:** Terri Harris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

**RIN:** 1545-AQ11

**3249. ● SPECIAL ALLOCATION RULES RELATING TO MAXIMUM CONTRIBUTION LIMITATIONS FOR QUALIFIED PLANS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 415(j) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.415-6(b)(2)

**Legal Deadline:** None

**Abstract:** These regulations will clarify and amplify the Commissioner's authority to determine whether certain transactions and employer contributions to a qualified deferred contribution plan are annual additions subject to the contribution limitations under section 415.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	02/10/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-83-91

**Drafting Attorney:** Terri Harris (202) 622-6070.

**Reviewing Attorney:** James Brokaw (202) 622-6070.

**Treasury Attorney:** Cathy Creech (202) 622-1341.

**Agency Contact:** Terri Harris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

**RIN:** 1545-AQ12

**3250. TAXABLE YEARS OF CERTAIN ENTITIES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 441 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance to S corporations, personal service corporations and partnerships, that must conform their taxable years, in general, to the taxable year of their owners.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/87	52 FR 48546
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-45-87

**Drafting attorney:** Debra L. Carlisle (202) 622-4950.

**Reviewing attorney:** Cynthia Clark (202) 622-4860.

**Agency Contact:** Debra L. Carlisle, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4950

**RIN:** 1545-AK63

**3251. ELECTION OF TAXABLE YEAR OTHER THAN REQUIRED YEAR BY PARTNERSHIPS, S CORPORATIONS AND PERSONAL SERVICE CORPORATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 444 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides guidance with respect to elections of taxable years other than the required taxable year by partnerships, S corporations and personal service corporations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19715
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-53-88

**Drafting attorney:** Debra L. Carlisle (202) 622-4950.

**Reviewing attorney:** Cynthia Clark (202) 622-4860.

**Agency Contact:** Debra L. Carlisle, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, DC 20224, 202 622-4950

**RIN:** 1545-AL68

**3252. BLOCKED INCOME**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Computation of income subject to currency or exchange restrictions.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** INTL-586-86

**Drafting attorney:** Margaret A. Hogan (202) 622-3870.

**Reviewing attorney:** Barbara A. Felker (202) 622-3870.

**Treasury attorney:** Carol Dunahoo (202) 622-0726.

**Agency Contact:** Margaret A. Hogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3870

**RIN:** 1545-AL85



## TREAS—IRS

## Completed Actions

**3253. INCOME TAX—GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453B Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal would provide rules for reporting gain or loss upon the disposition of an installment obligation.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-103-81.

Drafting attorney: James A. Orefice (202) 622-4910.

Reviewing attorney: Richard E. Ennis (202) 622-4910.

**Agency Contact:** James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AB41

**3254. INCOME TAX—INSTALLMENT SALES BETWEEN RELATED PARTIES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposal would provide rules for reporting installment sales between related parties.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-2-81.

Drafting attorney: Kathryn K. Nunzio (202) 622-4950.

Reviewing attorney: George F. Wright (202) 622-4950.

**Agency Contact:** Kathryn K. Nunzio, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave. NW., Washington, DC 20224, 202 622-4950

**RIN:** 1545-AB45

**3255. INCOME TAX REGULATIONS—PART 1—SPECIAL RULES RELATING TO INSTALLMENT OBLIGATIONS THAT ARE READILY TRADABLE OR PAYABLE ON DEMAND**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 15A.453-1(e)

**Legal Deadline:** None

**Abstract:** These regulations will provide rules relating to installment obligations that are readily tradable or payable on demand.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-54-84.

Drafting attorney: Kathryn Nunzio (202) 622-4950.

Reviewing attorney: George Wright (202) 622-4950.

Office of Tax Legislative Counsel reviewing attorney: Judd Kelley (202) 622-1339.

**Agency Contact:** Kathryn Nunzio, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

**RIN:** 1545-AG37

**3256. INCOME TAX REGULATIONS—THE ECONOMIC PERFORMANCE REQUIREMENT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

**Timetable:**

Action	Date	FR Cite
NPRM	06/07/90	55 FR 23235
Hearing	10/22/90	55 FR 29224
Final Action T.D.	04/10/92	57 FR 12411 8408

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-258-84.

Drafting attorney: Linda Kroening (202) 622-4910.

Reviewing attorney: Robert Casey (202) 622-4910.

Treasury attorney: Joan Leonard (202) 622-0864.

**Agency Contact:** Linda Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AH32

**3257. INCOME TAX—LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 464 Internal Revenue Code of 1986; 26 USC 278 (b) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide that enterprises which qualify as farming syndicates must deduct expenses for feed, seed fertilizer, et cetera, only when used or consumed and to capitalize certain cost of poultry. Furthermore, farming syndicates are to capitalize certain expenses of groves, orchards and vineyards to the extent such expenses are incurred before the grove, orchard or vineyard becomes productive.

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/83	48 FR 51936
NPRM Comment Period End	01/16/84	48 FR 51936
Hearing	03/08/84	
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-144-76.



## TREAS—IRS

## Completed Actions

Drafting attorney: Raymond Bailey (202) 622-4910.

Reviewing attorney: Bernard Englander (202) 622-4910.

**Agency Contact:** Raymond Bailey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AB51

### 3258. EXTENSION OF THE AT-RISK RULES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide guidance to taxpayers with respect to the extension of the at-risk rules to all activities other than the holding of real property. The regulations would also provide guidance with respect to the exception to the at-risk rules for closely-held corporations actively engaged in equipment leasing, and the recapture provision.

**Timetable:**

Action	Date	FR Cite
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Closed without regulations	09/01/92	
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**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-192-78.

Drafting attorney: Christine Ellison (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-3070.

Treasury attorney: John H. Parcell (202) 622-2578.

**Agency Contact:** Christine Ellison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AF86

### 3259. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This temporary regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

**Timetable:**

Action	Date	FR Cite
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Closed without regulations	09/01/92	
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**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-155-85.

Drafting Attorney: Christopher Kehoe (202) 622-3080.

Reviewing Attorney: Frances D. Schafer (202) 622-3070.

Treasury Attorney: John H. Parcell (202) 622-2578.

**Agency Contact:** Christopher Kehoe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AI41

### 3260. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—MISCELLANEOUS ISSUES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.469-0; 26 CFR 1.469-6; 26 CFR 1.469-7; 26 CFR 1.469-8; 26 CFR 1.469-9; 26 CFR 1.469-10

**Legal Deadline:** None

**Abstract:** The proposed regulations address miscellaneous issues in connection with passive activity losses and credits.

**Timetable:**

Action	Date	FR Cite
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Closed without regulations	09/01/92	
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**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** PS-083-88

Drafting Attorney: Ronald Gootzeit (202) 622-3080.

Reviewing Attorney: Margaret M. O'Connor (202) 622-3070.

Treasury Attorney: John H. Parcell (202) 622-2578.

**Agency Contact:** Ronald Gootzeit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AM58

### 3261. ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l)(4) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.163-8T

**Legal Deadline:** None

**Abstract:** The regulations will provide final rules for allocating interest expense for purposes of applying the passive loss, investment interest and personal interest limitations.

**Timetable:**

Action	Date	FR Cite
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NPRM	07/02/87	52 FR 25036
NPRM Comment Period End	08/31/87	52 FR 25036
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-010-87

Drafting attorney: Ronald M. Gootzeit (202) 622-3080.

Reviewing attorney: Margaret O'Connor (202) 622-3070.

Treasury attorney: John H. Parcell (202) 622-2578.

**Agency Contact:** Ronald M. Gootzeit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AM83

### 3262. ● LIMITATIONS FROM PASSIVE ACTIVITY LOSSES ON CREDITS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 469 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.469-1-T; 26 CFR 1.469-2-T; 26 CFR 1.469-3-T; 26 CFR 1.469-5; 26 CFR 1.469-11



## TREAS—IRS

## Completed Actions

**Legal Deadline:** Final, Statutory, May 1, 1992.

**Abstract:** Finalization of amendments to sections 1.469-1-T; 1.469-2-T; 1.469-3-T; 1.469-5; and finalization of section 1.469-11 which were subject to sunset.

**Timetable:**

Action	Date	FR Cite
Final Action T.D.	05/15/92	57 FR 20747 8417

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-11-92

Drafting attorney: Donna J. Welch (202) 622-3080

Reviewing attorney: Margaret O'Connor (202) 622-3070.

Treasury attorney: John Parcell (202) 622-2578.

**Agency Contact:** Donna Welch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AQ53

### 3263. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—FORMER PASSIVE ACTIVITIES

**Legal Authority:** 26 USC 469 (f) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.469-1T(k)

**Legal Deadline:** None

**Abstract:** The regulations will provide rules concerning the treatment of former passive activities and changes in the status of certain corporations.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-37-89

Drafting attorney: Andrea Tucker (202) 622-3080.

Reviewing attorney: Margaret O'Connor (202) 622-3070.

Treasury attorney: John Parcell (202) 622-2578.

**Agency Contact:** Andrea Tucker, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AN66

### 3264. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—\$25,000 OFFSET FOR RENTAL REAL ESTATE ACTIVITIES

**Legal Authority:** 26 USC 0469(l) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.469-9T

**Legal Deadline:** None

**Abstract:** The regulation will address the offset of up to \$25,000 from passive activity loss and passive credit limitations where the taxpayer is a natural person that actively participates in rental real estate activities and meets certain adjusted gross income requirements.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-040-89

Drafting Attorney: Donna Welch (202) 622-3080.

Reviewing Attorney: Margaret O'Connor (202) 622-3070.

Treasury Attorney: John Parcell (202) 622-2578.

**Agency Contact:** Donna Welch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AN65

### 3265. APPLICATION OF PASSIVE ACTIVITY LOSS AND CREDIT LIMITATIONS TO INTERESTS IN PUBLICLY TRADED PARTNERSHIPS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0469(l) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.469-10T

**Legal Deadline:** None

**Abstract:** This regulation will describe how the passive loss and credit limitations affect publicly traded partnerships and their partners.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-038-89

Drafting attorney: Ann Veninga (202) 622-3080.

Reviewing attorney: Margaret O'Connor (202) 622-3070.

Treasury attorney: John Parcell (202) 622-2578.

**Agency Contact:** Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AN63

### 3266. INCOME TAX—RULES CLARIFYING THE REGULATIONS WITH RESPECT TO THE COMPUTATION OF "GROSS INCOME" OF AN ELECTRIC COOPERATIVE

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501(c)(12) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide that electric cooperatives would take into account costs of goods sold when determining income under the 85 percent member-income test.

**Timetable:**

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1244
NPRM Comment Period End	03/12/84	49 FR 1244
Hearing held 5/31/84	03/26/84	49 FR 1186
Withdrawn	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-17-81.

Drafting attorney: Elizabeth A. Purcell (202) 622-6080.

Reviewing attorney: Michael A. Thrasher (202) 622-6000.

**Agency Contact:** Elizabeth A. Purcell, Attorney, Department of the Treasury, Internal Revenue Service, 1111



## TREAS—IRS

## Completed Actions

Constitution Ave. NW., Washington,  
DC 20224, 202 622-6080

RIN: 1545-AD99

### 3267. TAXATION OF TAX-EXEMPT ORGANIZATIONS' INCOME FROM ORDINARY AND ROUTINE INVESTMENTS

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.512(b)-1(a); 26 CFR 1.509(a)-3; 26 CFR 53.4940-1

**Legal Deadline:** None

**Abstract:** Should tax-exempt organizations pay unrelated business income tax on income from ordinary and routine investments?

**Timetable:**

Action	Date	FR Cite
Final Action Effective	08/30/91	57 FR 33442
NPRM	09/03/91	56 FR 43571
NPRM Comment Period End	11/22/91	
Hearing	12/06/91	56 FR 43571
Final Action T.D. 8423	07/29/92	57 FR 33442

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-70-91

Drafting attorney: Regina L. Oldak (202) 622-6080.

Reviewing attorney: Michael A. Thrasher (202) 622-6000.

Treasury attorney: Hal Gann (202) 622-1333.

**Agency Contact:** Regina L. Oldak Skelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Room 5241, CC:EE:6, Washington, DC 20224, 202 622-6080

RIN: 1545-AP93

### 3268. TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 595 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposed regulation would amend the existing regulations relating to the treatment of amounts realized

and expended with respect to property securing loans which have been foreclosed on by certain banks.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-083-82.

Drafting attorney: James W. C. Canup (202) 622-3950.

Reviewing attorney: Alice M. Bennett (202) 622-3950.

**Agency Contact:** James W. C. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3950

RIN: 1545-AF00

### 3269. SECTION 597 TRANSITION RULES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Regulation provides rules on tax treatment of lump sum pre-payment of tax-exempt Federal Financial Assistance.

**Timetable:**

Action	Date	FR Cite
Final Action T.D. 8406	04/23/92	57 FR 14794

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** FI-102-91

Drafting attorney: Bernita Thigpen (202) 622-4016.

Reviewing attorney: Steve Glickstein (202) 622-4439.

**Agency Contact:** Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4016

RIN: 1545-AQ24

### 3270. INCOME TAX—RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 612 Internal Revenue Code of 1986; 26 USC 613 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations would provide rules relating to the restoration of depletion deductions on bonuses and advanced royalties and the deferment of the exclusion of advanced royalties from gross income from the property.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-148-71.

Drafting attorney: Brian O'Connor (202) 622-3120.

Reviewing attorney: Joseph Makurath (202) 622-3120.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 622-1335.

**Agency Contact:** Brian O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AB69

### 3271. THE EXCLUDABILITY OF OIL AND GAS BONUS OR ADVANCE ROYALTY PAYMENTS FOR PURPOSES OF THE BONUS EXCLUSION RULE UNDER SECTION 1.613-2(C)(5) OF THE INCOME TAX REGULATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide rules on whether oil and gas bonuses or advanced royalties should be excluded by the payor for purposes of the bonus exclusion rule.



## TREAS—IRS

## Completed Actions

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-14-90

Drafting attorney: Brenda Stewart (202) 622-3120.

Reviewing attorney: Joseph Makurath (202) 622-3120.

**Agency Contact:** Brenda Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3120

**RIN:** 1545-AO55

### 3272. REVISION OF REPORTING REQUIREMENTS FOR GRANTOR TRUSTS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 671 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.671-4, (Revision); 26 CFR 1.6012-3; 26 CFR 1.6049-4; 26 CFR 1.6042-2; 26 CFR 5f.6045-1

**Legal Deadline:** None

**Abstract:** Grantor trusts would file 1099's or nothing at all with the Service, and provide a statement of earnings deductions and credits to each grantor. This will enable the Service to match the reported income from grantor trusts with the grantor's tax return. Different procedures will be required for trusts with single grantors as opposed to multiple grantors. Corporation grantors will be included. Other considerations will be whether backup withholdings rules apply and whether there is a legal basis for requiring a payor to report income directly to the grantor rather than the trust.

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-49-89

Drafting tax law specialist: Gail M. Winkler (202) 622-4940.

Reviewing attorney: Norlyn Miller (202) 622-4940.

**Agency Contact:** Gail Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

**RIN:** 1545-AN77

### 3273. CONTRIBUTIONS TO A PARTNERSHIP OF UNREALIZED RECEIVABLES, INVENTORY ITEMS OR CAPITAL LOSS PROPERTY

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 724 Internal Revenue Code of 1986; 26 USC 735(c) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide rules for determining the character of gain or loss upon the disposition by a partnership of unrealized receivables, inventory items or capital loss property contributed to the partnership by a partner.

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-232-84.

Drafting attorney: James Quinn (202) 622-3060.

Reviewing attorney: Thomas Hines (202) 622-3060.

**Agency Contact:** James Quinn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

**RIN:** 1545-AG85

### 3274. DISTRIBUTION OF CORPORATE STOCK TO A CORPORATE PARTNER

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 731 Internal Revenue Code of 1986; 26 USC 732 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed regulations under IRC section codes 731 and 732 provide special rules relating to a distribution of corporate stock to a corporate partner that results in the corporate partner having ownership of stock in the corporation meeting the requirements of section code 1504(a)(2).

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-099-90

Drafting attorney: Susan T. Edlavitch (202) 622-3050.

Reviewing attorney: David R. Haglund (202) 622-3050.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Susan T. Edlavitch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3050

**RIN:** 1545-AP40

### 3275. THE DEFINITION OF MODIFIED ENDOWMENT CONTRACT AND THE PROPER TREATMENT OF LOANS AND OTHER DISTRIBUTIONS FROM SUCH CONTRACTS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702A Internal Revenue Code of 1986

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance regarding the proper computation of the 7-pay premium. In addition, the regulation will elaborate on the rules for treatment of materially changed contracts. The regulations will also describe any adjustments to the 7-pay premiums due to small contracts or expenses solely attributable to the collection of premiums more frequently than annually. The regulations will also develop the effective date provisions.

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined



## TREAS—IRS

## Completed Actions

**Government Levels Affected:**

Undetermined

**Additional Information:** FI-011-89

Drafting attorney: Ann H. Logan (202) 622-3970.

Reviewing attorney: Stephen D. Hooe (202) 622-3970.

**Agency Contact:** Ann H. Logan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3970

RIN: 1545-AN49

**3276. TREATMENT OF DESIGNATED HEDGES BY RICS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 851 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation will provide rules concerning the treatment of designated hedges by regulated investment companies.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:**

Undetermined

**Additional Information:** FI-092-88

Drafting attorney: Susan E. Overlander (202) 622-3960.

Reviewing attorney: Steven R. Clickstein (202) 622-4439.

Treasury attorney: J. Judge Kelley (202) 622-1339.

**Agency Contact:** Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3960

RIN: 1545-AM82

**3277. INTEREST AND DIVIDENDS OF 80-20 COMPANIES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 861(a)(1)(A); 26 CFR 861(c)(1)**Legal Deadline:** None

**Abstract:** This regulation would provide rules with respect to the sourcing of dividends and interest paid by so-called "80-20" companies, that is, companies with 80 percent or more foreign source income.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Additional Information:** INTL-950-86

Drafting attorney: William T. Lundeen (202) 622-3840.

Reviewing attorney: Phyllis Marcus (202) 622-3840.

Treasury attorney: Marlin Risinger (202) 622-1762.

**Agency Contact:** William T. Lundeen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AJ58

**3278. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1986 —SOURCE OF INCOME RULES FOR INCOME DERIVED FROM SPACE AND OCEAN ACTIVITIES INCLUDING TELECOMMUNICATIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863(d) Internal Revenue Code of 1986; 26 USC 863(e) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulation will provide guidance relating to determining the source of income derived from space, and certain ocean activities (excluding mining within the continental shelf.) The regulation will also provide guidance on determining the source of income derived from international telecommunications activities.

**Timetable:**

Action	Date	FR Cite
Closed Without Regulations	07/24/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:**

Undetermined

**Additional Information:** INTL-949-86

Drafting attorney: Carol E. Murphy (202) 622-3870.

Reviewing attorney: Barbara A. Felker (202) 622-3870.

Treasury attorney: Unassigned.

**Agency Contact:** Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AJ84

**3279. SEPARATE APPLICATION OF SECTION 904 WITH RESPECT TO CERTAIN CATEGORIES OF INCOME**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulation will address the impact of the Technical Corrections and Miscellaneous Revenue Act of 1988 on section 904(d), the foreign tax credit limitation.

**Timetable:**

Action	Date	FR Cite
Final Action T.D.	05/14/92	57 FR 20639 8412

**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Additional Information:** INTL-790-88

Drafting attorney: Caren S. Shein (202) 622-3850.

Reviewing attorney: Carol Doran Klein (202) 622-3850.

Treasury attorney: Richard Chewning (202) 622-3870.

**Agency Contact:** Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AM54

**3280. EXCLUSION OF POSSESSION SOURCE INCOME FROM GROSS INCOME OF CERTAIN INDIVIDUALS AND TREATMENT OF CORPORATIONS ORGANIZED IN GUAM, SAMOA OR CNMI**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 876 Internal Revenue Code of 1986; 26 USC 931 Internal Revenue Code of 1986



## TREAS—IRS

## Completed Actions

**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The Tax Reform Act of 1986 eliminates the requirement that there be a mirrored system of taxation in Guam and the CNMI, and coordinates the tax system of these possessions and of American Samoa with the U.S. tax system. Guam, the CNMI and American Samoa are granted full authority over their own local income tax systems, with respect to income of bona fide residents sourced within or effectively connected with the conduct of a trade or business within any of these possessions. This grant of authority is effective, however, only if and so long as an implementing agreement is in effect between the possession at issue and the United States which provides for elimination of double taxation, prevention of evasion or avoidance of U.S. tax exchange of information and other administrative matters. Regulations are needed to clarify who qualifies as a bona fide resident and to determine sourcing rules.

**Timetable:**

Action	Date	FR Cite
Closed Without Regulations	07/20/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** INTL-988-88

Drafting attorney: Lilo A. Hester (202) 874-1490.

Reviewing attorney: George Sellinger (202) 874-1490.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, 202 874-1490

**RIN:** 1545-AJ80**3281. COORDINATION OF U.S. AND VIRGIN ISLANDS TAXES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 932 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Prior to the Tax Reform Act of 1986, inhabitants of the Virgin

Islands satisfied their U.S. tax liability by filing a return with the Virgin Islands. The Tax Reform Act of 1986 repealed the inhabitant rule to correct an erroneous interpretation of its operation in connection with the Virgin Islands mirror code. Section 1274 of the Tax Reform Act of 1986 clarifies the filing obligations of individuals in the Virgin Islands. Bona fide residents of the Virgin Islands are required to file only one return with the Virgin Islands in which they report worldwide income and identify the sources of income from the Virgin Islands will be required to file two identical tax returns one with the US and one with the Virgin Islands and pay a pro rata amount of tax to each. Regulations are needed to clarify who qualifies as a bona fide resident. It is anticipated that the regulations will provide a facts and circumstances test for determining bona fide resident status. It is unknown what the operational costs will be.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	07/22/92	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** INTL-969-86

Drafting attorney: Grace Perez-Navarro (202) 874-1490.

Reviewing attorney: George M. Sellinger (202) 874-1490.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Grace Perez-Navarro, Special Counsel, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW., Room 3319, Washington, DC 20024, 202 874-1490

**RIN:** 1545-AJ55**3282. AMENDMENT OF SECTION 936(H) WITH RESPECT TO ELECTION OF PRODUCT**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936 (h) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulation would require that once a product election was made it could not be amended for the taxable year of the election.

**Timetable:**

Action	Date	FR Cite
Closed Without Regulations	04/30/92	

**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** INTL-450-87

Drafting attorney: Patricia A. Bray (202) 622-3840.

Reviewing attorney: Jacob Feldman (202) 622-3870.

Treasury attorney: Unassigned.

**Agency Contact:** Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

**RIN:** 1545-AK77**3293. TAXATION OF EXCHANGE GAIN OR LOSS ON FOREIGN CURRENCY DENOMINATED TRANSACTIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This project provides rules regarding the determination of gain or loss realized on section 988 transactions. Rules regarding the source and character of such gain or loss are also provided. The project also contains a definitional section which defines section 988 transactions, among other terms.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38874
Final Action T.D.	03/17/92	57 FR 9172 8400

**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** INTL-485-89

Drafting attorney: Jeffrey Dorfman (202) 622-3870.

Reviewing attorney: Jeffrey Dorfman (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Jeffrey Dorfman, Branch Chief, Department of the



TREAS—IRS

Completed Actions

Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW.,  
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RIN: 1545-AN28

**3284. ● BASIS STEP UP**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1015; 26 CFR 1.1014

**Legal Deadline:** None

**Abstract:** Examples for regulations under section 1014 and 1015.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-32-91

Drafting attorney: Dale Carlton (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

**Agency Contact:** Dale Carlton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AQ17

**3285. INCOME TAX—NOTICE OF PROPOSED RULEMAKING - AMENDMENT OF REGULATIONS RELATING TO BASIS REDUCTIONS FOR NON-TAXED PORTION OF EXTRAORDINARY DIVIDENDS TO REFLECT TRA 1984**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1059 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Amendment of the regulations to interpret the rule contained in section 1059 of the Internal Revenue Code of 1986 relating to the non-taxed portion of extraordinary dividends. The regulations will explain what dividends are extraordinary, the operations of the required basis reduction, the application of the holding period rule in section 248 (c), etc.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** CO-260-84.

Drafting attorney: Lesa Byrnes (202) 622-7790.

Reviewing attorney: Maura Sullivan (202) 622-7790.

**Agency Contact:** Lesa Byrnes, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7790

RIN: 1545-AH41

**3286. GUIDANCE CONCERNING THE AMENDMENTS MADE TO SECTION 1060 BY THE OMNIBUS RECONCILIATION ACT OF 1990**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1060

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance concerning the amendments made to section 1060 by the Omnibus Reconciliation Act of 1990.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** CO-013-91

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: William Alexander (202) 622-7550.

**Agency Contact:** Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AP94

**3287. INCOME TAX—TO CLARIFY TAX TREATMENT OF TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1253 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation would clarify the tax treatment of the transfer of a franchise trademark, or trade name under section 1253 of the Internal Revenue Code of 1954. It would also provide guidance regarding how to allocate the basis among the portions of the sale proceeds which are treated as arising from the sale of a capital asset and other portions which are ordinary income.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-183-81.

Drafting attorney: John M. Coulter, Jr. (202) 622-4910.

Reviewing attorney: John M. Coulter, Jr. (202) 622-4910.

**Agency Contact:** John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AC34

**3288. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.



## TREAS—IRS

## Completed Actions

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** FI-11-86.

Drafting attorney: Robert B. Williams (202) 622-3950.

Reviewing attorney: Alice M. Bennett (202) 622-3950.

**Agency Contact:** Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3950

**RIN:** 1545-AI59

### 3289. ● ELECTION BY SHAREHOLDERS OF CERTAIN PASSIVE FOREIGN INVESTMENT COMPANIES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1291 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This document contains temporary Income Tax Regulations that provide guidance to shareholders of certain passive foreign investment companies that are qualified electing funds about the time, manner, and other requirements for making the deemed dividend election.

## Timetable:

Action	Date	FR Cite
Final Action T.D.	04/01/92	57 FR 10992 8404

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** INTL-656-87

Drafting attorney: Gayle Novig (202) 622-3880.

Reviewing attorney: Tom Fuller (202) 622-3880.

Treasury attorney: Anne Fisher (202) 622-1755.

**Agency Contact:** Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3880

**RIN:** 1545-AQ35

### 3290. INCOME TAX—THE ONE CLASS OF STOCK REQUIREMENT FOR S CORPORATIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide rules relating to whether or not a subchapter S corporation has more than one class of stock.

## Timetable:

Action	Date	FR Cite
NPRM	10/05/90	55 FR 40870
NPRM Comment Period End	01/03/91	55 FR 40870
Hearing	02/15/91	55 FR 52850
NPRM	08/13/91	56 FR 38391
Hearing	10/31/91	56 FR 38398
Final Action T.D.	05/29/92	57 FR 22646 8419

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** PS-4-73.

Drafting attorney: Scott Carlson (202) 622-3050.

Reviewing attorney: David Haglund (202) 622-3050.

Treasury attorney: Heidi Ebel (202) 622-1334.

**Agency Contact:** Scott Carlson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3050

**RIN:** 1545-AC37

### 3291. TEMPORARY REGULATION—APPLICATION OF SECTION 1374 BUILT-IN GAIN TAX TO C CORPORATION'S ELECTING S CORPORATION STATUS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Regulations will provide ruling relating to the section 1374 built-

in gains tax to C corporations electing S corporation status.

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-006-87

Drafting attorney: Mark S. Jennings (202) 622-7530.

Reviewing attorney: Nelson F. Crouch (202) 622-7740.

Treasury attorney: James Miller (202) 622-1768.

**Agency Contact:** Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7530

**RIN:** 1545-AK91

### 3292. CONSOLIDATED RETURNS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides revisions of consolidated return regulations under sections 1.1502-14 and 1.1502-31.

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-4-88

Drafting attorney: Steven Teplinsky (202) 622-7770.

Reviewing attorney: John Broadbent (202) 622-7710.

**Agency Contact:** Steven Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AL44



## TREAS—IRS

## Completed Actions

**3293. CONSOLIDATED INVESTMENT CREDIT RECAPTURE**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1502-3(f)(2)

**Legal Deadline:** None

**Abstract:** Provision would amend section 1.1502-3 of the regulations when dealing with the transfer of section 38 property between members of an affiliated group. Currently section 1.1502-3(f)(2) provides that a transfer of section 38 property between members is not a "disposition" within the meaning of section 47 of the Code. The area of concern has been sales of section 38 property outside the group immediately after the transfer. The amendment to section 1.1502-3(f)(2) would incorporate the holding in Rev. Rul. 82-20, 1982-1 C.B. 6 which would require recapture.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	02/28/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-80-88

Drafting attorney: Roy Hirschhorn (202) 622-7770.

Reviewing attorney: John Broadbent (202) 622-7710.

Treasury attorney: Andrew Dubroff (202) 622-1776.

**Agency Contact:** Roy A. Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AM35

**3294. TREATMENT OF DIVIDEND DISTRIBUTIONS AFTER THE SALE OF A SUBSIDIARY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1502-32(T); 26 CFR 1.1502-32(k)

**Legal Deadline:** None

**Abstract:** When a subsidiary declares a dividend while a member of a consolidated group, but pays the dividend after disaffiliation from the consolidated group, the basis of the

subsidiary's stock is not reduced by the amount of the dividend. The problem is caused by a difference in timing of the two events (declaration of dividend and payment of dividend) and its effect on earnings and profits and basis. This regulation will alleviate the problem by providing that basis of the subsidiary's stock will be reduced when the subsidiary declares a dividend.

**Timetable:**

Action	Date	FR Cite
NPRM	03/16/89	54 FR 11007
Hearing	09/18/89	54 FR 28683
Final Action T.D.	03/17/92	57 FR 9209 8401

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-005-89

Drafting Attorney: Steve Teplinsky (202) 622-7770.

Reviewing Attorney: John Broadbent (202) 622-7710.

Treasury Attorney: Andrew Dubroff (202) 622-1766.

**Agency Contact:** Steve Teplinsky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AN12

**3295. TRANSACTIONS BETWEEN MEMBERS INVOLVING COMMON NONTAXABLE EXCHANGES**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1502-13

**Legal Deadline:** None

**Abstract:** Section 1.1502-13 of the Income Tax Regulations provides the general rule that the term intercompany transaction means a transaction during a consolidated return year between corporations which are members of the same group. Section 1.1502-13(f) provides as a general rule that deferred gain attributable to a selling member will be triggered when the asset leaves the group. The regulation, in effect, does not deal with a situation where a selling member exchanges property subject to Section 1.1502-13 rules in a nontaxable exchange to an outside party. Moreover, the current regulations do not adequately cover tax free transactions between members. This

proposed regulation will provide rules for certain common nontaxable exchanges within the affiliated group.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	02/28/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** CO-028-89

Drafting attorney: Roy Hirschhorn (202) 622-7770.

Reviewing attorney: Edward S. Cohen (202) 622-7760.

Treasury attorney: Andrew Dubroff (202) 622-1776.

**Agency Contact:** Roy Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AN25

**3296. MODIFICATION OF RULES RELATING TO INTERCOMPANY TRANSACTIONS**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1502-13

**Legal Deadline:** None

**Abstract:** The proposed regulations concern the creation and restoration of deferred gain or loss in intercompany transactions.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** CO-11-91

Drafting attorney: Roy A. Hirschhorn (202) 622-7770.

Reviewing attorney: Edward S. Cohen (202) 622-7760.

Reviewing attorney: Don Leatherman (202) 622-7520.

Treasury attorney: J. Judge Kelley (202) 622-1339.



## TREAS—IRS

## Completed Actions

**Agency Contact:** Roy A. Hirschhorn, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

**RIN:** 1545-AP08

### 3297. TIMELINESS OF A DISCLAIMER OF INTEREST IN PROPERTY CREATED PRIOR TO JAN. 1, 1977

**Legal Authority:** 26 USC 2514 Internal Revenue Code of 1986; 26 USC 2518 Internal Revenue Code of 1986; 26 USC 2046 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 25.2514-3(c); 26 CFR 20.2514-3(d); 26 CFR 20.2056(d); 26 CFR 20.2046-1; 26 CFR 25.2518-1; 26 CFR 25.2518-2

**Legal Deadline:** None

**Abstract:** The existing regulation includes the term "taxable transfers," but does not adequately explain that this term includes certain transfers that are not necessarily subject to tax.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Additional Information:** PS-30-89

Drafting attorney: George Masnik (202) 622-3090.

Reviewing attorney: Lee Dunn (202) 622-3090.

Treasury attorney: Robert Weaver (202) 622-0871.

**Agency Contact:** George Masnik, Assistant to Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AN27

### 3298. DISCLAIMER OF JOINT PROPERTY

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 25 (Revision)

**Legal Deadline:** None

**Abstract:** This document contains a proposed amendment to the gift tax regulations under section 2518 providing that a surviving joint tenant may disclaim a survivorship interest in

jointly owned property within 9 months of the death of the first joint tenant to die. The proposed amendments will conform the regulations to several recent court decisions that held the regulations as currently drafted invalid. The proposed amendments will affect those individuals who disclaim joint interests.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-002-91

Drafting attorney: Dale Carlton (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

**Agency Contact:** Dale Carlton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AP65

### 3299. AMEND SECTION 26.2662-1(C) OF THE TEMPORARY REGULATIONS TO INCREASE THE AMOUNT FOR WHICH THE EXECUTOR IS LIABLE

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 26

**Legal Deadline:** None

**Abstract:** The regulations will provide rules with respect to liability for the generations-skipping transfer tax when a direct skip occurs at death with respect to property held in a trust arrangement. The regulations will also provide rules relating to the circumstances under which the exercise of a nongeneral power of appointment will constitute an addition to a grandfathered generation-skipping trust.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-032-90

Drafting Attorney: John Franklin (202) 622-3090.

Reviewing Attorney: George Masnik (202) 622-3090.

Treasury Attorney: Robert Weaver (202) 622-0871.

**Agency Contact:** John Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

**RIN:** 1545-AO89

### 3300. CLARIFYING AMENDMENTS TO SECTION 35A.3406-1 REGARDING BACKUP WITHHOLDING DUE TO AN INCORRECT TIN

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 31

**Legal Deadline:** None

**Abstract:** This regulation clarifies certain requirements under section 35a.3406-1 regarding backup withholding due to an incorrect TIN.

**Timetable:**

Action	Date	FR Cite
NPRM	04/11/89	54 FR 11364
Temporary Regulations	09/27/90	55 FR 39399
Final Action T.D.	04/15/92	57 FR 13028 8409

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Federal

**Additional Information:** IA-104-88

Drafting Attorney: Renay France (202) 622-4910.

Reviewing Attorney: John Coulter (202) 622-4910.

Treasury Attorney: Larry Garrett (202) 622-1778.

**Agency Contact:** Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AM51



## TREAS—IRS

## Completed Actions

**3301. ● IMPOSITION OF BACKUP WITHHOLDING DUE TO NOTIFICATION OF AN INCORRECT TAXPAYER IDENTIFICATION NUMBER**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 35a.3406-1

**Legal Deadline:** None

**Abstract:** This document contains amendments to Section 35a.3406-1 of the Temporary Tax Regulations under section 3406 of the Internal Revenue Code of 1986. The amendments relate to the requirement for payors to backup withhold under section 3406(a)(1)(B) on certain reportable payments due to notification of an incorrect taxpayer identification number.

**Timetable:**

Action	Date	FR Cite
Final Action T.D. 8365	09/23/91	56 FR 47904

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional information:** IA-76-91

Drafting attorney: John M. Coulter, Jr. (202) 622-4910.

**Agency Contact:** John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AQ13

**3302. EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS, AND SEMITRAILERS, AND TRACTORS. MODIFICATION OF T.D. 8200**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4052 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 48

**Legal Deadline:** None

**Abstract:** These regulations deal with the modification of the registration and certification requirements of Section 145.4052-1(a) (26 CFR 145).

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional information:** PS-22-91

Drafting attorney: Edward Madden (202) 622-3130.

Reviewing attorney: Richard Kocak (202) 622-3130.

Treasury attorney: James Miller (202) 622-1768.

**Agency Contact:** Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3130

**RIN:** 1545-AP59

**3303. MODIFICATION OF THE GASOHOL REGULATIONS TO INCREASE THE TOLERANCE ALLOWED TO THE 10 PERCENT ALCOHOL MIXTURE AND TO CLARIFY THE LATER BLENDING RULES**

**Legal Authority:** 26 USC 4081 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 48

**Legal Deadline:** None

**Abstract:** The regulations will modify the tolerance allowed for the alcohol to gasoline ratio in gasohol and will clarify the later blending rules with regard to incidental dilution of gasohol at retail outlets.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	01/01/91	57 FR 7653
NPRM	02/25/91	56 FR 7627
NPRM Comment Period End	04/26/91	56 FR 7627
Hearing	08/16/91	56 FR 30359
Final Action T.D. 8399	03/04/92	57 FR 7653

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional information:** PS-093-88

Drafting attorney: Edward Madden (202) 622-3130.

Reviewing attorney: Jeffrey Nelson (202) 622-3130.

Treasury attorney: Lawrence Garrett (202) 622-1778.

**Agency Contact:** Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue NW., Washington, DC 20224, 202 622-3130

**RIN:** 1545-AO59

**3304. IMPROVEMENTS IN ADMINISTRATION OF GASOLINE EXCISE TAX**

**Significance:** Agency Priority

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4082 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 4081; 26 CFR 4082

**Legal Deadline:** None

**Abstract:** Regulation will provide rules for liability for tax; imposition of tax; definitions; blend stocks and additives; gasohol.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/91	56 FR 42287
NPRM Comment Period End	10/28/91	56 FR 42287
Hearing	11/25/91	56 FR 42287
Final Action T.D. 8421	07/22/92	57 FR 32424

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional information:** PS-120-90

Drafting attorney: Frank Boland (202) 622-3130.

Reviewing attorney: Richard Kocak (202) 622-3130.

Treasury attorney: Larry Garrett (202) 622-1778.

**Agency Contact:** Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3130

**RIN:** 1545-AP48

**3305. COAL TAX**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4121 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 48

**Legal Deadline:** None

**Abstract:** Update of coal tax regulations; rules to determine moisture content of coal.



## TREAS—IRS

## Completed Actions

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** PS-53-91

Drafting attorney: Bernard Webberman (202) 622-3130.

Reviewing attorney: Richard Kocak (202) 622-3130.

**Agency Contact:** Bernard Webberman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

**RIN:** 1545-AQ02

### 3306. PERSONAL USE EXEMPTION CONTAINED IN REG. SECTION 48.4218-2

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4218 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 78.4218-2

**Legal Deadline:** None

**Abstract:** This regulation is going to clarify the personal use exemption.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	03/25/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** PS-66-90

Drafting attorney: Theodore N. Margopulos (202) 622-3130.

Reviewing attorney: Richard A. Kocak (202) 622-3130.

**Agency Contact:** Theodore N. Margopulos, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW., Washington, DC 20224, 202 622-3130

**RIN:** 1545-AP47

### 3307. PROPOSED REGULATIONS REGARDING THE TAX ON TRANSPORTATION BY WATER

**Legal Authority:** 26 USC 4471 Internal Revenue Code of 1986; 26 USC 4472 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 46

**Legal Deadline:** None

**Abstract:** These regulations will provide rules for the application of the tax on transportation of persons by water.

**Timetable:**

Action	Date	FR Cite
NPRM	10/12/90	55 FR 41546
NPRM Comment Period End	12/11/90	55 FR 41546
Hearing	04/08/91	56 FR 4590
Final Action T.D.	07/30/92	57 FR 33635 8422

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** PS-003-90

Drafting attorney: Edward B. Madden (202) 622-3130.

Reviewing attorney: Jeffrey M. Nelson (202) 622-3130.

Treasury attorney: Robert Weaver (202) 622-0871.

**Agency Contact:** Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

**RIN:** 1545-AO41

### 3308. TAX ON TRANSPORTATION BY WATER

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4472 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 43

**Legal Deadline:** None

**Abstract:** Notice of proposed rulemaking relating to definitions under the Ship Passenger Tax.

**Timetable:**

Action	Date	FR Cite
NPRM	10/12/90	55 FR 41545
NPRM Comment Period End	12/11/90	55 FR 41545
Hearing	04/08/91	56 FR 4590
Final Action T.D.	07/30/92	57 FR 33635 8422

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-069-90

Drafting attorney: Edward Madden (202) 622-3130.

Reviewing attorney: Jeffrey Nelson (202) 622-3130.

Treasury attorney: Robert Weaver (202) 622-0871.

**Agency Contact:** Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, N.W. 20224, 202 622-3130

**RIN:** 1545-AP03

### 3309. INCOME TAX—EXCISE TAX—PROCEDURE AND ADMINISTRATION—VARIOUS PRIVATE FOUNDATION PROVISIONS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4940 Internal Revenue Code of 1988; 26 USC 4941 Internal Revenue Code of 1988; 26 USC 4942 Internal Revenue Code of 1986; 26 USC 4943 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 53

**Legal Deadline:** None

**Abstract:** These regulations will amend existing rules to reflect changes made by the Tax Reform Act of 1984 relating to the excise taxes on private foundations.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-76-84.

Drafting Tax Law Specialist: Vernon S. Carter (202) 622-6070.

Reviewing attorney: James L. Brokaw (202) 622-6070.

**Agency Contact:** Vernon S. Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

**RIN:** 1545-AG18

### 3310. ELECTRONIC FILING OF TAX RETURNS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None



TREAS—IRS

Completed Actions

**Abstract:** The regulations will provide guidance and standards to taxpayers governing the electronic filing of individual income tax returns.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	07/13/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** IA-21-87

Drafting attorney: Celia Gabrysh (202) 622-4960.

Reviewing attorney: Vincent Cardella (202) 622-4960.

**Agency Contact:** Celia A. Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AL01

**3311. AMENDMENT TO REGULATIONS TO SPECIFY REQUIREMENTS FOR SUBSTITUTE INFORMATION REPORTING STATEMENTS**

**Legal Authority:** 26 USC 408(i) Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986; 26 USC 6041A Internal Revenue Code of 1986; 26 USC 6042 Internal Revenue Code of 1986; 26 USC 6044 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986; 26 USC 6047 Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986; 26 USC 6050H Internal Revenue Code of 1986; 26 USC 6050N Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.408-5; 26 CFR 1.6041A-1; 26 CFR 1.6042-4; 26 CFR 1.6042-5; 26 CFR 1.6044-5; 26 CFR 1.6044-6; 26 CFR 1.6045-1; 26 CFR 1.6045-2; 26 CFR 1.6045-3T; 26 CFR 1.6049-6; 26 CFR 1.6049-7T

**Legal Deadline:** None

**Abstract:** Currently, the information reporting requirements in the Internal Revenue Code and the Income Tax Regulations allow substitute 1099 Forms to be furnished to recipients in most instances. The requirements for the substitute forms vary, some allowing "substantially similar" forms or "reasonable facsimiles" while some sections actually require copies of

official Forms 1099. This project will amend the regulations to specify the requirements for substitute information reporting statements, which will be standardized.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-061-90

Drafting attorney: Lisa Bernardini (202) 622-4910.

Reviewing attorney: John M. Coulter, Jr. (202) 622-4910.

**Agency Contact:** Lisa Bernardini, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AO98

**3312. EMPLOYMENT TAX—REPORTING OF PLAN DISTRIBUTIONS AND WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6047 Internal Revenue Code of 1986; 26 USC 3405 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 301

**Legal Deadline:** None

**Abstract:** Legislative changes require that increased numbers of retirees and plan participants must make complex calculations of the taxable amount of distributions they receive from qualified plans. The regulations will require the payor of a qualified plan distribution (or the plan administrator) to calculate the taxable amount and to report it on the appropriate information return. Proposed regulations would also clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	04/02/92	57 FR 11277

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** EE-109-88

Drafting attorney: Jean Whalen (202) 622-6040.

Reviewing Attorney: Gregory Stull (202) 622-6040.

This project now includes EE-115-82 (RIN 1545-AE98) which was merged into it.

**Agency Contact:** Jean Whalen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

RIN: 1545-AL54

**3313. FINAL REGULATIONS RELATING TO REPORTS OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050J Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations proposed rules relating to information reporting of foreclosures, abandonments, and other acquisitions of property securing indebtedness, including the persons and property subject to the reporting requirement and the information required to be reported, and when a person has reason to know that property has been abandoned.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period End	10/31/84	49 FR 34518
Withdrawn	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-181-84.

Drafting attorney: Eliot L. Kaplan (202) 622-4960.

**Agency Contact:** Eliot L. Kaplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AG48



## TREAS—IRS

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**3314. NOTICE OF PROPOSED RULEMAKING - AUTOMATIC EXTENSION OF TIME TO FILE PARTNERSHIP RETURN OF INCOME AND TRUST INCOME TAX RETURN**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Automatic Extension of Time to File Partnership Return of Income and Trust Income Tax Return.

**Timetable:**

Action	Date	FR Cite
NPRM	04/05/88	53 FR 11103
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-29-88

**Drafting attorney:** James A. Orefice (202) 622-4910.

**Reviewing attorney:** Cynthia L. Clark (202) 622-4860.

**Agency Contact:** James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AL38

**3315. ESTATE TAX—PROCEDURE AND ADMINISTRATION—DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6166 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986; 26 USC 6151 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 20; 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance to executors wishing to extend the time for payment of estate tax where the estate contains an interest in a closely held business. The regulations will provide rules in determining what qualifies as an interest in a closely held business. In addition, the regulations will explain when the installment privileges allowed by section 6166 will be terminated.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-210-76.

**Drafting attorney:** Stuart Spielman (202) 622-4940.

**Agency Contact:** Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

**RIN:** 1545-AD23

**3316. APPLICATION OF UNIFIED PARTNERSHIP AUDIT PROVISIONS OF TEFRA TO REMICS**

**Legal Authority:** 26 USC 860G(c) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6221; 26 CFR 301.6222; 26 CFR 301.6223; 26 CFR 301.6224; 26 CFR 301.6225; 26 CFR 301.6226; 26 CFR 301.6227; 26 CFR 301.6228; 26 CFR 301.6229; 26 CFR 301.6230; 26 CFR 301.6231; 26 CFR 301.6232; 26 CFR 301.6233; 26 CFR 1.860F; 26 CFR 1.860F-4T

**Legal Deadline:** None

**Abstract:** Public Law 99-514, title VI, section 671(a) (October 22, 1986, 100 Stat. 2309) added sections 860A-860G of the Internal Revenue Code of 1986. These sections set forth the Federal income tax treatment of REMICs and of investors in REMICs, and provide that REMICs will generally be treated as partnerships. This project will apply the partnership audit provisions of sections 6221 through 6233 of the Internal Revenue Code (added by Public Law 97-248, Tax Equity and Fiscal Responsibility Act of 1982) to REMICs.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-048-89

**Drafting attorney:** Lindsay Russell (202) 622-3050.

**Reviewing attorney:** Dianna Miosi (202) 622-3050.

Treasury attorney: S. Barksdale Penick (202) 622-1335.

**Agency Contact:** Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3050

**RIN:** 1545-AN78

**3317. DEFINITION OF TAX MATTERS PERSON FOR AN S CORPORATION**

**Legal Authority:** 26 USC 6244 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulation will provide rules as to who can be designated as the Tax Matters Person for an S Corporation.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** PS-072-89

**Drafting attorney:** Noah Baer (202) 622-3050.

**Reviewing attorney:** Dianna K. Miosi (202) 622-3050.

Treasury attorney: Barksdale Penick (202) 622-1335.

**Agency Contact:** Noah Baer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3050

**RIN:** 1545-AO34

**3318. SALE OF SEIZED PROPERTY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6335 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.6335-1

**Legal Deadline:** None

**Abstract:** Section 6335 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to allow the owner of property seized by the Internal Revenue Service to request that the property be sold within sixty days, or any longer period specified by the owner. The Treasury regulations



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promulgated under this section must be changed to reflect this new statutory provision.

**Timetable:**

Action	Date	FR Cite
NPRM	10/09/91	56 FR 50831
Final Action T.D.	03/03/92	57 FR 7545 8398

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** GL-174-89

**Drafting Attorney:** Kevin B. Connelly (202) 622-3640.

**Reviewing Attorney:** Robert Miller (202) 622-3640.

**Agency Contact:** Kevin B. Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

**RIN:** 1545-AN47

**3319. PROPOSED REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984, RELATING TO REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A; 26 USC 6402 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** These proposed regulations will provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e., tax refund) by the amount of any past-due legally enforceable debt owed to a federal agency by the taxpayer. The regulations explain which debts qualify for offset, and the steps a federal agency must make to refer a debt to the Internal Revenue Service.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39713
Temporary Regulation	11/30/85	
Temporary Regulation	05/13/87	52 FR 17949
NPRM	01/06/89	54 FR 428
Temporary Regulation	01/06/89	54 FR 400
NPRM Comment Period End	03/07/89	54 FR 428

Action	Date	FR Cite
Final Action T.D.	04/15/92	57 FR 13035 8413

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-291-84.

**Drafting Attorney:** Rochelle Pickard (202) 622-4910.

**Reviewing attorney:** John M. Coulter (202) 622-4910.

**Treasury attorney:** Barksdale Penick (202) 622-1335.

**Agency Contact:** Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AG95

**3320. PROCEDURE AND ADMINISTRATIVE—REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A; 26 USC 6402 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** These regulations will amend proposed regulations published September 30, 1985 relating to the reduction of a taxpayer's overpayment of tax by the amount of past-due legally enforceable debt owed to a federal agency by the taxpayer.

**Timetable:**

Action	Date	FR Cite
NPRM	05/13/87	52 FR 17949
Closed without regulations	03/10/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-72-86

**Drafting attorney:** Rochelle Pickard (202) 622-4910.

**Reviewing attorney:** John M. Coulter (202) 622-4910.

**Treasury attorney:** Barksdale Penick (202) 622-1335.

**Agency Contact:** Rochelle Pickard, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AK12

**3321. PROCEDURE AND ADMINISTRATIONS—REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A; 26 USC 6402 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** These regulations will amend regulations published September 30, 1985. The regulations will provide a new effective date for those regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/06/89	54 FR 428
NPRM Comment Period End	03/07/89	54 FR 428
Closed without regulations	04/15/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-41-88

**Drafting attorney:** Rochelle Pickard (202) 622-4910.

**Reviewing attorney:** John M. Coulter (202) 622-4910.

**Treasury attorney:** Barksdale Penick (202) 622-1335.

**Agency Contact:** Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AL86

**3322. PROCEDURE AND ADMINISTRATION REGULATIONS - INCREASED RATE OF INTEREST ON SUBSTANTIAL UNDERPAYMENTS ATTRIBUTABLE TO CERTAIN TAX MOTIVATED TRANSACTIONS**

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None



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**Abstract:** The regulations provide guidance to taxpayers subject to the increased rate of interest on substantial underpayments attributable to certain tax motivated transactions. The regulations define tax motivated transaction and accounting methods that may result in a substantial distortion of income. The regulations also provide rules for determining the amount of a tax motivated underpayment and the accrual of interest at the increased rate.

**Timetable:**

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50406
NPRM Comment Period End	02/26/85	49 FR 50406
Withdrawn	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** IA-180-84.

Drafting attorney: Renay France (202) 622-4910.

Reviewing attorney: Unassigned

**Agency Contact:** Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

**RIN:** 1545-AG75

### 3323. DETERMINING LARGE CORPORATION STATUS FOR CONSOLIDATED RETURN GROUPS PAYING ESTIMATED TAX

**Legal Authority:** 26 USC 6655(j) Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.1502-5

**Legal Deadline:** None

**Abstract:** Section 6655(d)(2) of the IRC of 1986 requires large corporations to make estimated tax payments based on 90 percent of their current year's tax. Section 6655(g)(2) defines a large corporation as one who itself (or a predecessor corporation) had taxable income of \$1,000,000 or more in any of the three previous taxable years. The regulation will address difficulties in applying the definition to an affiliated group of corporations filing a consolidated return.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** CO-87-88

Drafting attorney: Brendan P. O'Hara (202) 622-7530.

Reviewing attorney: Virginia S. Voorhees (202) 622-7710.

**Agency Contact:** Brendan O'Hara, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7530

**RIN:** 1545-AM75

### 3324. AWARD AND COLLECTION OF SANCTIONS, PENALTIES, AND COSTS AWARDED TO THE UNITED STATES BY A COURT OTHER THAN THE TAX COURT

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations provide that awards to the United States are to be assessed and collected in the same manner as taxes.

**Timetable:**

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-037-90

Drafting Attorney: Stuart Spielman (202) 622-4940.

Reviewing Attorney: Rudi Planert (202) 622-4940.

**Agency Contact:** Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

**RIN:** 1545-AO83

### 3325. AUTHORITY TO PRESCRIBE OR MODIFY SEALS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7514 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301.7514-1

**Legal Deadline:** None

**Abstract:** Final Income Tax Regulations relating to the authority contained in section 7514 of the Internal Revenue Code to prescribe or modify seals of office. Because of previous reorganizations of the Internal Revenue Service, seals of office are being updated and corrected so as to reflect the current organization of the Service. Amendments will prescribe a seal for each district director of Internal Revenue and other employees or officers of the Treasury Department to whom any of the functions of the Secretary of the Treasury are currently delegated.

**Timetable:**

Action	Date	FR Cite
Final Action T.D.	04/24/92	57 FR 15014 8414

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** IA-23-91

Drafting attorney: Cheryl Oseekey (202) 622-4970.

Reviewing attorney: Joseph Vukovich (202) 622-4970.

**Agency Contact:** Cheryl Oseekey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970

**RIN:** 1545-AP63

### 3326. PROCEDURE AND ADMINISTRATION REGULATIONS—REIMBURSEMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7624 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulation would provide rules relating to reimbursement to state and local law enforcement agencies for expenses incurred for information furnished to IRS that substantially contributed to recovery of taxes on illegal drug-related activities.



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## Completed Actions

## Timetable:

Action	Date	FR Cite
NPRM	05/16/89	54 FR 21073
Final Action T.D.	04/24/92	57 FR 15016 8415

**Small Entities Affected:** None

**Government Levels Affected:** Local, State

**Additional Information:** IA-6-89

Drafting tax law specialist: Gail M. Winkler (202) 622-4940.

Reviewing attorney: Norlyn D. Miller (202) 622-4940.

**Agency Contact:** Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

**RIN:** 1545-AN00

### 3327. COORDINATION OF U.S. AND CERTAIN POSSESSION INCOME TAXES (XREF)

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7854 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations relate to section 7854 of the Internal Revenue Code of 1986 which generally provides that net income tax collections from individuals described in sections 931 or 932(c), plus earned income of Federal personnel while bona fide residents of specified possessions, must be covered into the Treasury of the specified possession of which such individuals are bona fide residents.

## Timetable:

Action	Date	FR Cite
Closed without regulations	07/22/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-971-86

Drafting attorney: Ricardo A. Cadenas (202) 874-1490.

Reviewing attorney: George M. Sellinger (202) 874-1490.

Treasury attorney: Charles Cope (202) 622-1752.

**Agency Contact:** Ricardo A. Cadenas, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service, 950 L'Enfant Plaza South SW., Room 3319, Washington, DC 20024, 202 874-1490

**RIN:** 1545-AL18

### 3328. AMENDMENT OF PROCEDURE AND ADMINISTRATION REGULATIONS UNDER SECTION 7701(B) (DEFINITION OF RESIDENT ALIENS) TO REFLECT SECTION 138 OF THE TAX REFORM ACT OF 1986 (PL 98-369)

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 (b) Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1; 26 CFR 31; 26 CFR 301

**Legal Deadline:** None

**Abstract:** These regulations provide rules for determining whether an alien individual is a resident or a nonresident alien of the United States.

## Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34230
NPRM Comment Period End	11/10/87	52 FR 34230
Hearing	05/15/88	53 FR 4858
Final Action T.D.	04/27/92	57 FR 15237 8411

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** INTL-55-86

Drafting attorney: David A. Juster (202) 622-3850.

Reviewing attorney: Carol Doran Klein (202) 622-3850.

Treasury attorney: P. Ann Fisher (202) 622-1755.

**Agency Contact:** David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

**RIN:** 1545-AH13

### 3329. WHEN A PRINCIPAL ACTIVITY OF A PARTNERSHIP IS THE BUYING AND SELLING OF COMMODITIES

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986

**CFR Citation:** 26 CFR 1.7704(c)(3); 26 CFR 301.7704(c)(3)

**Legal Deadline:** None

**Abstract:** This regulation will explain when buying and selling commodities constitutes "a principal activity" of a partnership within the meaning of 26 USC 7704(c)(3).

## Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Additional Information:** PS-002-90

Drafting attorney: Ann Veninga (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-3070.

Treasury attorney: Barksdale Penick (202) 622-2578.

**Agency Contact:** Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

**RIN:** 1545-AO39

### 3330. TAXPAYER ASSISTANCE ORDERS

**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986 PL 100-647, Sec. 6230

**CFR Citation:** 26 CFR 301.7811

**Legal Deadline:** Final, Statutory, February 8, 1992.

Temporary regulation published as TD 8246 effective February 8, 1989, must be published as final regulations within three years.

**Abstract:** PL 100-647, section 7811, adds new section 7811 to the Internal Revenue Code. This section provides that upon application filed by a taxpayer with the Ombudsman's office, the Ombudsman may issue a taxpayer assistance order (TAO) upon a determination that a taxpayer is or is about to suffer a significant hardship as the result of how the internal revenue laws are being administered by the service. The temporary regulations discuss the form, manner and time for filing an application for assistance, the terms of a TAO, and the supervision of applicable periods of limitation.



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Timetable:

Action	Date	FR Cite
NPRM	03/22/89	54 FR 11744
NPRM Comment Period End	05/22/89	54 FR 11744
Final Action T.D.	03/23/92	57 FR 9975 8403

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-075-89

Drafting Attorney: Joseph W. Clark (202) 622-3640.

Reviewing Attorney: Robert Miller (202) 622-3640.

Agency Contact: Joseph W. Clark, Technical Assistant to ACC (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AN14

**3331. PROPOSED AMENDMENTS TO THE PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984 RELATING TO THE REDUCTION OF TAX OVERPAYMENTS BY AMOUNTS ETC**

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 42 USC 664 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These proposed regulations provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e. tax refund) by the amount of any past due support which a State has agreed to collect under section 454 (6) of the Social Security Act. The regulations explain the steps a State must take to have a tax overpayment reduced by an amount of past-due support.

Timetable:

Action	Date	FR Cite
Closed without regulations	09/01/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-85-85.

Drafting attorney: Wesley J. MacAdam (202) 622-4960.

Reviewing attorney: Stephen J. Toomey (202) 622-4960.

Agency Contact: Wesley J. MacAdam, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AH99

[FR Doc. 92-23420 Filed 11-02-92; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)

Office of Thrift Supervision (OTS)

Office of Thrift Supervision

12 CFR Ch. V

[No. 92-371]

Agenda of Federal Regulations

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Publication of agenda items.

SUMMARY: The Office of Thrift Supervision (OTS) is hereby publishing items for the October Unified Agenda of Federal Regulations.

A number of the agenda items refer to statutory requirements imposed by FIRREA or FDICIA. These items refer to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Pub. L. 101-73, 103 Stat. 183 (1989), and the Federal Deposit Insurance Corporation Improvement Act

of 1991 (FDICIA), Pub. L. 102-242, 105 Stat. 2236 (1991).

ADDRESSES: Information Services Division, Office of Public Affairs, Office of Thrift Supervision, 1700 G Street NW, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

Dated: August 25, 1992. By the Office of Thrift Supervision.

John F. Downey, Deputy Director for Regional Operations.

Office of Thrift Supervision—Prerule Stage

Se-quence Number	Title	Regulation Identifier Number
3332	12 CFR 567 Capital: Concentration Risk and Risk of Nontraditional Activities .....	1550-AA59

Office of Thrift Supervision—Proposed Rule Stage

Se-quence Number	Title	Regulation Identifier Number
3333	12 CFR 567 Regulatory Capital: Interest Rate Risk Component.....	1550-AA46
3334	12 CFR 545 Classification and Valuation of Troubled, Collateral-Dependent Loans and Foreclosed Assets.....	1550-AA50
3335	12 CFR 563 Qualified Thrift Lender Test.....	1550-AA51



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**Office of Thrift Supervision—Proposed Rule Stage—Continued**

Se- quence Number	Title	Regulation Identifier Number
3336	12 CFR 517 Minority, Women, and Disabled Business Outreach Program: Contracting for Goods and Services .....	1550-AA53
3337	12 CFR 563 Safety and Soundness Standards .....	1550-AA54
3338	12 CFR 567 Capital Treatment of Equity Investments .....	1550-AA55
3339	12 CFR 567 Multifamily Housing Loans .....	1550-AA58
3340	12 CFR 509 Regulatory Review .....	1550-AA60

**Office of Thrift Supervision—Final Rule Stage**

Se- quence Number	Title	Regulation Identifier Number
3341	12 CFR 563 Mutual Holding Companies .....	1550-AA03
3342	12 CFR 567 Regulatory Capital: Leverage Ratio Requirement .....	1550-AA32
3343	12 CFR 574 Agency Disapproval of Directors and Senior Executive Officers .....	1550-AA36
3344	12 CFR 563 Savings Association Membership in the Federal Home Loan Bank System .....	1550-AA41
3345	12 CFR 545 Federal Savings Associations: Operating Subsidiaries and Service Corporations .....	1550-AA43
3346	12 CFR 563b Supervisory Conversions .....	1550-AA45
3347	12 CFR 552 Mergers and Other Combinations of Savings Associations .....	1550-AA47
3348	12 CFR 567 Regulatory Capital: Intangible Assets .....	1550-AA49
3349	12 CFR 563 Reporting Requirements for Adjustable-Rate Mortgage Index Data .....	1550-AA52
3350	12 CFR 563 Real Estate Lending Standards .....	1550-AA56

**Office of Thrift Supervision—Completed Actions**

Se- quence Number	Title	Regulation Identifier Number
3351	12 CFR 545 Regulatory Capital Requirements for Savings Associations .....	1550-AA01
3352	12 CFR 567 Prompt Corrective Action .....	1550-AA02
3353	12 CFR 563 Bonds for Directors, Officers, Employees, and Agents; Form and Amount of Bonds .....	1550-AA05
3354	12 CFR 563g Sales of Securities at Savings Association Offices .....	1550-AA09
3355	12 CFR 564 Excerpts From the Uniform Standards of Professional Appraisal Practice Applicable to Federally Related Transactions .....	1550-AA30
3356	12 CFR 545 Accounting and Reporting Requirements .....	1550-AA31
3357	12 CFR 500 Applications Restructuring .....	1550-AA37
3358	12 CFR 584 Registration, Examination, and Reports .....	1550-AA38
3359	12 CFR 564 Appraisals .....	1550-AA39
3360	12 CFR 567 Regulatory Capital: Residential Bridge Loans .....	1550-AA40
3361	12 CFR 563 Loans to Executive Officers, Directors, and Principal Shareholders of Savings Associations; Insider Transactions and Conflicts of Interest .....	1550-AA42
3362	12 CFR 556 Policy Statement on Branching by Federal Savings Associations .....	1550-AA44
3363	12 CFR 545 Exclusive Lease Arrangements by Savings Associations .....	1550-AA48
3364	12 CFR 565 Prompt Corrective Action .....	1550-AA57

**DEPARTMENT OF THE TREASURY (TREAS)**

**Prerule Stage**

**Office of Thrift Supervision (OTS)**

**3332. ● CAPITAL: CONCENTRATION  
RISK AND RISK OF  
NONTRADITIONAL ACTIVITIES**

**Significance:** Regulatory Program

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

**CFR Citation:** 12 CFR 567

**Legal Deadline:** Final, Statutory, June 19, 1993.

**Abstract:** The OTS has issued an advance notice of proposed rulemaking



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to solicit comment on how to ensure that its risk-based capital regulation adequately addresses concentrations of credit risk and the risks of nontraditional activities. This rule is to be adopted pursuant to section 305 of FDICIA, which requires each Federal banking agency to make such amendments.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/05/92	57 FR 45757
ANPRM	12/04/92	57 FR 45757
Comment		
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John F. Connolly, Program Manager, Capital Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6465

**RIN:** 1550-AA59

**DEPARTMENT OF THE TREASURY (TREAS)**  
**Office of Thrift Supervision (OTS)**

## Proposed Rule Stage

**3333. ● REGULATORY CAPITAL: INTEREST RATE RISK COMPONENT**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

**CFR Citation:** 12 CFR 567

**Legal Deadline:** Final, Statutory, June 19, 1993.

**Abstract:** As predecessor to the OTS, the Federal Home Loan Bank Board issued an advance supplemental notice of proposed rulemaking addressing interest rate risk generally. In December, 1990, the OTS issued an extensive notice of proposed rulemaking setting forth a description of methodologies to be used in calculating the interest rate risk component of the capital rule. A supplemental NPRM was issued in September 1992.

Pursuant to FDICIA, the rule must be adopted in final form by June 19, 1993.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/03/89	55 FR 27885
ANPRM	08/02/89	55 FR 27885
Comment		
Period End		
NPRM	12/31/90	55 FR 53529
NPRM Comment	06/01/91	56 FR 11115
Period End		
Supplemental NPRM	09/03/92	57 FR 40524
Supplemental NPRM	11/02/92	57 FR 40524
Comment		
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional information:** Previously reported under RIN 1550-AA01.

**Agency Contact:** Anthony Cornyn, Deputy Assistant Director for Policy, Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC, 202 906-5727

**RIN:** 1550-AA46

**3334. ● CLASSIFICATION AND VALUATION OF TROUBLED, COLLATERAL-DEPENDENT LOANS AND FORECLOSED ASSETS**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 552; 5 USC 559; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106

**CFR Citation:** 12 CFR 545; 12 CFR 563; 12 CFR 567; 12 CFR 571

**Legal Deadline:** None

**Abstract:** The OTS has issued a proposed rule that would provide new guidance regarding the classification, valuation and regulatory treatment of troubled, collateral-dependent loans and foreclosed assets. The rule proposes the use of fair value for the valuation of such loans and assets, the use of charge offs for amounts classified "loss", and removal of the 200% risk-weight category for foreclosed assets.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/92	57 FR 46098
NPRM Comment	12/07/92	57 FR 46098
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert J. Fishman, Program Manager, Supervision Policy,

Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5672

**RIN:** 1550-AA50

**3335. ● QUALIFIED THRIFT LENDER TEST**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106

**CFR Citation:** 12 CFR 563

**Legal Deadline:** None

**Abstract:** The OTS has issued a proposed rule to revise its qualified thrift lender test to implement changes made by the Qualified Thrift Lender Reform Act of 1991, subtitle G of FDICIA. The amendments would lower the required qualified thrift lender percentage of housing-related investments from 70% to 65% of a savings association's portfolio assets, change the computation period, increase the amount of regulatory liquidity excludable from portfolio assets, authorize certain shares of stock of certain government sponsored entities to be included in computing qualified thrift investments, and increase certain percentages in computing qualified thrift investments.

**Timetable:**

Action	Date	FR Cite
NPRM	09/02/92	57 FR 40140
NPRM Comment	10/02/92	57 FR 40140
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Valerie J. Lithotomos, Counsel (Banking and Finance),



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Regulations & Legislation Division,  
Department of the Treasury, Office of  
Thrift Supervision, 1700 G Street NW.,  
Washington, DC 20552, 202 906-6439

RIN: 1550-AA51

### 3336. ● MINORITY, WOMEN, AND DISABLED BUSINESS OUTREACH PROGRAM: CONTRACTING FOR GOODS AND SERVICES

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1833(e)

**CFR Citation:** 12 CFR 517

**Legal Deadline:** None

**Abstract:** The OTS has issued a proposed rule that would implement a Minority and Women-Owned Contract Outreach Program pursuant to section 1216(c) of FIRREA. The intent of the rule is to ensure that business concerns owned and controlled by members of minority groups and women participate in OTS contracting programs to the maximum extent possible.

#### Timetable:

Action	Date	FR Cite
NPRM	09/17/92	57 FR 42906
NPRM Comment	10/19/92	57 FR 42906
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Frances L. Sullivan, Director, Procurement Management Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6193

RIN: 1550-AA53

### 3337. ● SAFETY AND SOUNDNESS STANDARDS

**Significance:** Regulatory Program

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106

**CFR Citation:** 12 CFR 563

**Legal Deadline:** Final, Statutory, August 1, 1993.

**Abstract:** The OTS has issued an advance notice of proposed rulemaking jointly with the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation to solicit

comment on the safety and soundness standards required by section 132 of FDIC. These standards must include managerial and operational standards; asset quality, earnings and stock valuation; and compensation standards.

#### Timetable:

Action	Date	FR Cite
ANPRM	07/15/92	57 FR 31336
ANPRM	09/14/92	57 FR 31336
Comment		
Period End		

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert J. Fishman, Program Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5672

RIN: 1550-AA54

### 3338. ● CAPITAL TREATMENT OF EQUITY INVESTMENTS

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

**CFR Citation:** 12 CFR 567

**Legal Deadline:** None

**Abstract:** The OTS has issued a proposed rule to amend its risk-based capital treatment of equity investments that are permissible for both savings associations and national banks. The proposal provides that savings associations would no longer be required to deduct such investments in calculating their capital and would specify that such investments would be placed in the 100% risk-weight category.

#### Timetable:

Action	Date	FR Cite
NPRM	09/02/92	57 FR 40147
NPRM Comment	10/02/92	57 FR 40147
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John F. Connolly, Program Manager, Capital Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6465

RIN: 1550-AA55

### 3339. ● MULTIFAMILY HOUSING LOANS

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

**CFR Citation:** 12 CFR 567

**Legal Deadline:** None

**Abstract:** The OTS has issued a notice of proposed rulemaking that would implement section 618(b) of the Resolution Trust Corporation Refinancing, Restructuring and Improvement Act of 1991, concerning the capital treatment of multifamily residential mortgage loans and securities collateralized by such loans. The rule would place certain of these loans and securities in the 50% risk-weight category of the OTS's current capital regulations.

#### Timetable:

Action	Date	FR Cite
NPRM	09/02/92	57 FR 40143
NPRM Comment	10/02/92	57 FR 40143
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Dorene Rosenthal, Attorney, Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7268

RIN: 1550-AA58

### 3340. ● REGULATORY REVIEW

**Significance:** Agency Priority

**Legal Authority:** 5 USC 552; 5 USC 559; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467; 12 USC 1467a; 12 USC 1468; 12 USC 1701j-3; 12 USC 1813; 12 USC 1828; 12 USC 2801 et seq; 12 USC 2901 et seq; 12 USC 3806; ...

**CFR Citation:** 12 CFR 509; 12 CFR 516; 12 CFR 528; 12 CFR 541; 12 CFR 543; 12 CFR 545; 12 CFR 552; 12 CFR 556; 12 CFR 558; 12 CFR 559; 12 CFR 561; 12 CFR 563; 12 CFR 563b; 12 CFR 563e; 12 CFR 567; ...

**Legal Deadline:** None

**Abstract:** The OTS has issued a proposed rule that would modify or delete a number of regulations consistent with the President's initiative on regulatory review. The President called for a review of all Federal



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regulations and policies for the purpose of eliminating any over-burdensome regulations, thereby promoting economic growth.

The OTS has held public hearings on this matter as well as sought public comment on all of its current regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/92	57 FR 40350
NPRM Comment Period End	10/05/92	57 FR 40350

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Deborah Kennedy, Project Manager, Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7324

**RIN:** 1550-AA60

## DEPARTMENT OF THE TREASURY (TREAS)

## Final Rule Stage

## Office of Thrift Supervision (OTS)

**3341. MUTUAL HOLDING COMPANIES**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106; 5 USC 552; 5 USC 559

**CFR Citation:** 12 CFR 563; 12 CFR 571; 12 CFR 575

**Legal Deadline:** None

**Abstract:** The OTS has issued a notice of proposed rulemaking which would implement the mutual holding company provisions of the Savings and Loan Holding Company Act, 12 U.S.C. 1467(o). The rule would establish procedures for obtaining regulatory approval for the formation of mutual holding companies and for the issuance of minority stock of savings association subsidiaries of mutual holding companies.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/21/88	53 FR 41343
ANPRM Comment Period End	12/05/88	53 FR 44436
NPRM	01/11/91	56 FR 1126
NPRM Comment Period End	03/12/91	56 FR 1126

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Formerly reported under FHLBB RIN 3068-AA77

**Agency Contact:** Leonard Essig, Senior Attorney, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G

Street NW., Washington, DC 20552, 202 906-6476

**RIN:** 1550-AA03

**3342. REGULATORY CAPITAL: LEVERAGE RATIO REQUIREMENT**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

**CFR Citation:** 12 CFR 567

**Legal Deadline:** None

**Abstract:** The OTS has issued a notice of proposed rulemaking to amend its minimum regulatory capital regulations by revising the leverage ratio requirement that applies to savings associations so that it would be the same as the leverage ratio adopted by the Office of the Comptroller of the Currency.

This proposal was adopted pursuant to section 301 of FIRREA, which requires that the OTS promulgate capital standards that are uniformly applicable to all savings associations. 12 U.S.C. 1464(t).

The proposal establishes a 3.0% leverage ratio for savings associations in the strongest financial and managerial condition. All other savings associations would be required to maintain minimum ratios of 4.0%.

**Timetable:**

Action	Date	FR Cite
NPRM	04/22/91	56 FR 16283
NPRM Comment Period End	05/22/91	56 FR 16283

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Lorraine Waller, Counsel (Banking and Finance), Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6458

**RIN:** 1550-AA32

**3343. AGENCY DISAPPROVAL OF DIRECTORS AND SENIOR EXECUTIVE OFFICERS**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1467a; 12 USC 1817

**CFR Citation:** 12 CFR 574

**Legal Deadline:** None

**Abstract:** The OTS has proposed a revision to 12 CFR part 574 in order to implement section 914 of FIRREA. The proposal would add a section to part 574 which will require certain savings associations and savings and loan holding companies to file a notice with the OTS prior to adding or replacing a member of its board of directors, and prior to hiring, or redefining the duties of a person in a position or into another position, as senior executive officer.

The OTS has been granted the authority, pursuant to section 914 of FIRREA, to disapprove any potential board member or senior executive officer whose selection would not be in the best interest of the institution's depositors, or the public.

**Timetable:**

Action	Date	FR Cite
NPRM	08/05/91	56 FR 37162
NPRM Comment Period End	09/04/91	56 FR 37162

Next Action Undetermined

**Small Entities Affected:** Businesses



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**Government Levels Affected:** None

**Agency Contact:** Mary Jo Johnson, Policy Analyst, Supervision, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5739

**RIN:** 1550-AA36

### 3344. ● SAVINGS ASSOCIATION MEMBERSHIP IN THE FEDERAL HOME LOAN BANK SYSTEM

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106

**CFR Citation:** 12 CFR 563

**Legal Deadline:** None

**Abstract:** The OTS has proposed a regulation that would require all savings associations to obtain and maintain membership in a Federal Home Loan Bank. The regulation is prompted by safety and soundness concerns, as well as the desire for parity between federally chartered and state chartered savings associations.

In addition, the OTS has reopened the comment period for the proposal and held a public hearing, in light of the nature of the comments received in response to the proposal.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/92	57 FR 8732
NPRM Comment Period End	05/11/92	57 FR 8732
NPRM Reopened Comment Period/Public Hearing	06/12/92	57 FR 24994

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robyn Dennis, Program Manager, Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5751

**RIN:** 1550-AA41

### 3345. ● FEDERAL SAVINGS ASSOCIATIONS: OPERATING SUBSIDIARIES AND SERVICE CORPORATIONS

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1828

**CFR Citation:** 12 CFR 545

**Legal Deadline:** None

**Abstract:** The OTS has issued a notice of proposed rulemaking that would authorize Federal savings associations to establish and acquire operating subsidiaries that would engage exclusively in activities authorized for all Federal associations.

In addition, the rule would revise the OTS's regulations governing service corporations to clarify and streamline existing requirements and adjust the scope of the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/92	57 FR 12226
NPRM Comment Period End	05/11/92	57 FR 12226

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Dean V. Shahinian, Asst. Chief Counsel for Corporate Activities, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7289

**RIN:** 1550-AA43

### 3346. ● SUPERVISORY CONVERSIONS

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462; 12 USC 1464; 12 USC 1462a; 12 USC 1463; 12 USC 1467a; 15 USC 78c; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78n

**CFR Citation:** 12 CFR 563b

**Legal Deadline:** None

**Abstract:** The OTS has proposed revisions to its voluntary supervisory conversion regulations to increase the number of capital deficient mutual savings associations eligible to undergo voluntary supervisory mutual-to-stock conversions. The amendments would enable associations to undertake voluntary supervisory conversions if they do not meet minimum capital requirements, provided that they would not be able to meet them through a standard conversion and if they are significantly undercapitalized or not able to do a standard conversion.

**Timetable:**

Action	Date	FR Cite
NPRM	01/17/92	57 FR 2061
NPRM Comment Period End	02/18/92	57 FR 2061

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** James H. Underwood, Counsel (Banking and Finance), Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7354

**RIN:** 1550-AA45

### 3347. ● MERGERS AND OTHER COMBINATIONS OF SAVINGS ASSOCIATIONS

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106

**CFR Citation:** 12 CFR 552; 12 CFR 563

**Legal Deadline:** Final, Statutory, March 18, 1992.

**Abstract:** The OTS has issued a notice of proposed rulemaking to amend its regulations governing mergers and other combinations of thrifts and banks. The rule would implement title V of the FDICIA by permitting charter conversions, mergers, and similar transactions. The rule would also streamline and consolidate related application processing regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/18/92	57 FR 37112
NPRM Comment Period End	09/17/92	57 FR 37112

Next Action Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Michael P. Valley, Senior Attorney, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6241

**RIN:** 1550-AA47



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**3348. ● REGULATORY CAPITAL: INTANGIBLE ASSETS****Significance:** Agency Priority**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a**CFR Citation:** 12 CFR 567**Legal Deadline:** None

**Abstract:** The OTS has proposed an amendment to its risk-based capital regulation to specify the types of intangible assets savings associations may include in calculating capital for purposes of complying with their tangible capital, leverage ratio, and risk-based capital requirements. Under the proposal, purchased mortgage servicing rights and purchased credit card relationships would be considered qualifying intangible assets that could be included in core capital, with some limitations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/13/92	57 FR 12761
NPRM Comment Period End	05/13/92	57 FR 12761

Next Action Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** John F. Connolly, Program Manager, Capital Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6465

RIN: 1550-AA49

**3349. ● REPORTING REQUIREMENTS FOR ADJUSTABLE-RATE MORTGAGE INDEX DATA****Significance:** Agency Priority**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106**CFR Citation:** 12 CFR 563**Legal Deadline:** None

**Abstract:** The OTS has issued a notice of proposed rulemaking that would amend its reporting regulation to require any member savings association within the jurisdiction of a Federal Home Loan Bank, and that currently reports data from which that Federal Home Loan Bank calculates an adjustable rate mortgage index, to continue to provide such data upon the request of the Federal Home Loan Bank. Such data is currently extracted from the monthly Thrift Financial Report which will be discontinued as of January 1, 1993. The collection of this data would be retained, so that the Federal Home Loan Banks would be able to continue to publish adjustable rate mortgage indices.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/92	57 FR 33662
NPRM Comment Period End	08/31/92	57 FR 33662

Next Action Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Catherine Shepard, Senior Attorney, Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7275

RIN: 1550-AA52

**3350. ● REAL ESTATE LENDING STANDARDS****Significance:** Agency Priority**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106**CFR Citation:** 12 CFR 563**Legal Deadline:** Final, Statutory, September 19, 1992.

**Abstract:** The OTS has issued a notice of proposed rulemaking jointly with the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation to implement section 304 of FDICIA. The statute requires that the agencies establish real estate lending standards for insured depository institutions.

In addition, the agencies have issued a request for comment on a description of the costs and benefits that are likely to accrue as a result of implementing the new real estate lending standards.

**Timetable:**

Action	Date	FR Cite
NPRM	07/16/92	57 FR 31594
Request for Comment Supplementary Analysis	08/17/92	57 FR 36911
NPRM Comment Period End	08/31/92	57 FR 31594

Next Action Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** William J. Magrini, Project Manager for Credit Policy, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5744

RIN: 1550-AA56

## DEPARTMENT OF THE TREASURY (TREAS)

## Office of Thrift Supervision (OTS)

## Completed Actions

**3351. REGULATORY CAPITAL REQUIREMENTS FOR SAVINGS ASSOCIATIONS****Significance:** Agency Priority**Legal Authority:** 5 USC 552; 5 USC 559; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12

USC 1468; 12 USC 1828; 12 USC 3806; 15 USC 78c; 42 USC 4106

**CFR Citation:** 12 CFR 545; 12 CFR 561; 12 CFR 563; 12 CFR 563c; 12 CFR 567; 12 CFR 571**Legal Deadline:** None  
Interest Rate Risk rule only.

**Abstract:** The OTS has adopted a technical and conforming amendment to its risk-based capital rule in order to make needed clarifications, and remove obsolete or incorrect references. The risk-based capital rule was originally adopted in interim final form and finalized through the recodification of the former Federal Home Loan Bank



## TREAS—OTS

## Completed Actions

Board's regulations by the OTS following the enactment of FIRREA.

## Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51800
NPRM Comment Period End	09/22/89	54 FR 37944
Interim Final Rule	11/08/89	54 FR 46845
NPRM Miscellaneous Capital	04/16/91	56 FR 15303
Final Action	07/29/92	57 FR 33432
Final Action Effective	08/28/92	57 FR 33432

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Theresa Stark, Counsel (Banking and Finance), Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7054

RIN: 1550-AA01

## 3352. PROMPT CORRECTIVE ACTION

## Completed:

Reason	Date	FR Cite
RIN Changed to RIN 1550-AA57	07/29/92	

RIN: 1550-AA02

## 3353. BONDS FOR DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS; FORM AND AMOUNT OF BONDS

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462 et seq; 12 USC 3806

**CFR Citation:** 12 CFR 563

**Legal Deadline:** None

**Abstract:** The OTS has adopted a final rule relating to fidelity bond coverage for the purpose of eliminating the disparity in the bond insurance requirements for savings associations and for commercial banks. The rule requires savings associations to maintain fidelity bond coverage that meets safety and soundness standards. The rule does not require coverage under a specific standardized form and does not require specific amounts of coverage.

## Timetable:

Action	Date	FR Cite
ANPRM	06/13/89	54 FR 25127
ANPRM Comment Period End	07/13/89	54 FR 25127
NPRM	09/25/90	55 FR 39168
NPRM Comment Period End	10/25/90	55 FR 39168
Final Action	04/13/92	57 FR 12695
Final Action Effective	05/13/92	57 FR 12695

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Formerly reported under FHLBB RIN 3068-AA92

**Agency Contact:** Dean V. Shahinian, Assistant Chief Counsel for Corporate Activities, Corporate & Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7289

RIN: 1550-AA05

## 3354. SALES OF SECURITIES AT SAVINGS ASSOCIATION OFFICES

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462a; 12 USC 1463; 12 USC 1464; 15 USC 78c(b); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78p; 15 USC 78w

**CFR Citation:** 12 CFR 563g

**Legal Deadline:** None

**Abstract:** The OTS has issued a final rule concerning the sale of securities at the offices of a savings association. The final rule prohibits all sales of securities of savings associations or their affiliates in offices of the savings association, with the exception of those sold in connection with the conversion of a savings association from mutual to stock form of organization.

## Timetable:

Action	Date	FR Cite
NPRM	05/03/90	55 FR 18610
NPRM Comment Period End	06/04/90	55 FR 18610
Final Action	10/07/92	57 FR 46085
Final Action Effective	11/06/92	57 FR 46085

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Paul D. Glenn, Assistant Chief Counsel, Corporate and Securities Division, Department of the

Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6203

RIN: 1550-AA09

## 3355. EXCERPTS FROM THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE APPLICABLE TO FEDERALLY RELATED TRANSACTIONS

**Significance:** Agency Priority

**Legal Authority:** 12 USC 3301 et seq; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1828

**CFR Citation:** 12 CFR 564

**Legal Deadline:** None

**Abstract:** The OTS has adopted an interim common rule which amends its existing appraisal regulations as well as those of the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Resolution Trust Corporation, by adding an appendix consisting of the applicable provisions excerpted from the Uniform Standards of Professional Appraisal Practice, pursuant to title XI of FIRREA. The rule was adopted in interim final form to allow for any necessary amendments.

The agencies do not anticipate amending the appendix in the near future; therefore, this item will be removed from OTS's agenda and reinstated at a later date, if necessary.

## Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/90	55 FR 53610
Interim Final Rule Deemed Final Action	03/01/91	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Diana Garmus, Deputy Assistant Director for Corporate Activities, Supervisory Operations, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5663

RIN: 1550-AA30



## TREAS—OTS

## Completed Actions

**3356. ACCOUNTING AND REPORTING REQUIREMENTS****Significance:** Agency Priority**Legal Authority:** 5 USC 552; 5 USC 559; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1828; 12 USC 3806; 12 USC 78c; 42 USC 4106**CFR Citation:** 12 CFR 545; 12 CFR 562; 12 CFR 563; 12 CFR 563c; 12 CFR 571**Legal Deadline:** None**Abstract:** The OTS has issued a final rule which revises the accounting standards that are prescribed by OTS for purposes of determining regulatory compliance and reporting. The revised standards conform with the FIRREA requirements that thrift accounting standards follow Generally Accepted Accounting Principles (GAAP) to the extent GAAP is used by the other Federal banking agencies and that they be no less stringent than those of the Office of the Comptroller of the Currency.**Timetable:**

Action	Date	FR Cite
NPRM	03/29/91	56 FR 13085
NPRM Comment Period End	04/29/91	56 FR 13085
Final Action	09/02/92	57 FR 40085
Final Action Effective	10/02/92	57 FR 40085

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Arthur Lindo, Senior Accountant, Accounting Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5642**RIN:** 1550-AA31**3357. APPLICATIONS RESTRUCTURING****Significance:** Agency Priority**Legal Authority:** 5 USC 552; 5 USC 559; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1465; 12 USC 1467a; 12 USC 1488; 12 USC 1701j; 12 USC 1817; 12 USC 1828; 12 USC 2901; 12 USC 3201; 15 USC 78c**CFR Citation:** 12 CFR 500; 12 CFR 516; 12 CFR 543; 12 CFR 544; 12 CFR 545; 12 CFR 546; 12 CFR 552; 12 CFR 556; 12 CFR 563; 12 CFR 563b; 12 CFR 563f; 12 CFR 566; 12 CFR 571; 12 CFR 574; 12 CFR 584**Legal Deadline:** None**Abstract:** The OTS has adopted a comprehensive regulation to fundamentally alter the function of applications and their processing within the framework of OTS's role in the thrift industry.

The rule (i) streamlines existing applications and notice requirements for a number of transactions and activities; (ii) establishes standard and expedited application and notice processes to improve the ability of institutions with satisfactory MACRO ratings, Community Reinvestment Act and Compliance ratings to engage in certain new activities while discouraging applications to engage in new activities by those with lower ratings, unless the proposed activity would clearly improve their condition and performance; and (iii) substitutes the application requirements for some activities with a notice requirement.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/91	56 FR 41972
NPRM Comment Period End	10/25/91	56 FR 41972
Final Action	04/20/92	57 FR 14329
Final Action Effective	06/30/92	57 FR 14329

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** David Permut, Counsel (Banking and Finance), Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7505**RIN:** 1550-AA37**3358. ● REGISTRATION, EXAMINATION, AND REPORTS****Significance:** Agency Priority**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467; 12 USC 1468**CFR Citation:** 12 CFR 584**Legal Deadline:** None**Abstract:** The OTS has adopted amendments to its regulations concerning holding company reporting requirements to streamline the reporting process and ease the burden on savings and loan holding companies by combining several forms and rescinding those no longer necessary.**Timetable:**

Action	Date	FR Cite
NPRM	09/23/91	56 FR 47919
NPRM Comment Period End	10/23/91	56 FR 47919
Final Action	08/10/92	57 FR 35456
Final Action Effective	09/09/92	57 FR 35456

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Michael P. Scott, Program Manager, Affiliates Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5748**RIN:** 1550-AA38**3359. ● APPRAISALS****Significance:** Agency Priority**Legal Authority:** 12 USC 3301 et seq; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1828(m)**CFR Citation:** 12 CFR 564**Legal Deadline:** None**Abstract:** The OTS has issued a final rule that removes the requirement that regulated institutions obtain appraisals by state certified or licensed appraisers for real estate related financial transactions having a value of \$100,000 or less. The rule provides definitions of the terms "real estate" and "real property" in order to clarify that the regulation does not apply to mineral or timber rights, or growing crops.**Timetable:**

Action	Date	FR Cite
NPRM	12/31/91	56 FR 67548
NPRM Comment Period End	01/30/92	56 FR 67548
Final Action	04/13/92	57 FR 12698
Final Action Effective	04/13/92	57 FR 12698

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Ellen Sazzman, Counsel (Banking and Finance), Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7133**RIN:** 1550-AA39**3360. ● REGULATORY CAPITAL: RESIDENTIAL BRIDGE LOANS****Significance:** Agency Priority



TREAS—OTS

Completed Actions

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

**CFR Citation:** 12 CFR 567

**Legal Deadline:** None

**Abstract:** The OTS has amended its risk-based capital regulation to assign a 50 percent risk-weight to certain construction loans made to builders to construct pre-sold homes, provided they meet safety and soundness standards. The purpose of the regulation is to enable credit-worthy builders to construct homes for individuals who have made substantial earnest money deposits.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/91	56 FR 67551
NPRM Comment Period End	01/30/92	56 FR 67551
Final Action	04/13/92	57 FR 12706
Final Action Effective	05/13/92	57 FR 12706

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John F. Connolly, Program Manager, Capital Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6465

**RIN:** 1550-AA40

**3361. ● LOANS TO EXECUTIVE OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS OF SAVINGS ASSOCIATIONS; INSIDER TRANSACTIONS AND CONFLICTS OF INTEREST**

**Significance:** Agency Priority

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1817; 12 USC 1828; 12 USC 3806; 42 USC 4106

**CFR Citation:** 12 CFR 563

**Legal Deadline:** Final, Statutory, April 17, 1992.

**Abstract:** The OTS has issued a final rule that regulates transactions between savings associations and their executive officers, directors, principal shareholders and their related interests. The rule clarifies the regulation of these lending transactions by replacing the OTS's conflicts rule with a new rule that incorporates by reference the Federal Reserve Board's Regulation O.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/92	57 FR 12232
NPRM Comment Period End	05/11/92	57 FR 12232
Final Action	10/06/92	57 FR 45977
Final Action Effective	11/05/92	57 FR 45977

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Leonard Essig, Senior Attorney, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6476

**RIN:** 1550-AA42

**3362. ● POLICY STATEMENT ON BRANCHING BY FEDERAL SAVINGS ASSOCIATIONS**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 552; 5 USC 559; 12 USC 1464; 12 USC 1701j-3; 15 USC 1693 to 1693r

**CFR Citation:** 12 CFR 556

**Legal Deadline:** None

**Abstract:** The OTS has issued a final rule that amends its policy statement on branching by federal associations to permit nationwide branching to the extent allowed by federal statute. The rule is intended to facilitate consolidation and geographic diversification and to enable savings associations to better serve their customers.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/91	56 FR 67236
NPRM Comment Period End	01/29/92	56 FR 67236
Final Action	04/09/92	57 FR 12203
Final Action Effective	05/11/92	57 FR 12203

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Michael P. Vallely, Senior Attorney, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6241

**RIN:** 1550-AA44

**3363. ● EXCLUSIVE LEASE ARRANGEMENTS BY SAVINGS ASSOCIATIONS**

**Significance:** Agency Priority

**Legal Authority:** 5 USC 552; 5 USC 559; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1828

**CFR Citation:** 12 CFR 545; 12 CFR 571

**Legal Deadline:** None

**Abstract:** The OTS has repealed two regulations that prohibit savings associations from entering into leases and other arrangements that would give them the exclusive right to occupy the premises of a chain store or regional shopping center. The OTS has determined that these rules are no longer necessary because Federal and State law addressing anti-competitive behavior adequately address this issue.

**Timetable:**

Action	Date	FR Cite
NPRM	04/13/92	57 FR 12760
NPRM Comment Period End	05/13/92	57 FR 12760
Final Action	08/18/92	57 FR 37083
Final Action Effective	08/18/92	57 FR 37083

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Eileen M. McCarthy, Policy Analyst, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5652

**RIN:** 1550-AA48

**3364. ● PROMPT CORRECTIVE ACTION**

**Significance:** Regulatory Program

**Legal Authority:** 12 USC 1831o

**CFR Citation:** 12 CFR 565

**Legal Deadline:** Final, Statutory, December 19, 1992.

**Abstract:** In January, 1989, the Federal Home Loan Bank Board, the predecessor to the OTS, issued an advance notice of proposed rulemaking on early intervention which proposed defining a particular level of capital below which a savings association would be in unsafe and unsound condition to transact business. On December 19, 1991, the President signed into law FDICIA, which addressed this matter under "prompt corrective action".



## TREAS—OTS

## Completed Actions

The OTS has issued a final rule to implement section 131 of FDICIA which established a regulatory framework that requires or permits the OTS to take certain supervisory actions when savings associations fall within specifically enumerated capital categories. Certain activities are restricted or prohibited and a capital restoration plan must be submitted once a savings association has become undercapitalized. The rule sets forth five capital categories and proposed procedures for issuing and contesting prompt corrective action.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/10/89	54 FR 826
ANPRM	02/09/89	54 FR 826
Comment Period End		
NPRM	07/07/92	57 FR 29826
NPRM Comment Period End	08/21/92	57 FR 29826
Final Action	09/29/92	57 FR 44866
Final Action Effective	12/19/92	57 FR 44866

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This agenda item was formerly reported under RIN 1550-AA02.

**Agency Contact:** Lorraine Waller, Counsel (Banking and Finance), Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6458

**RIN:** 1550-AA57

[FR Doc. 92-22391 Filed 11-02-92; 8:45 am]

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